



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ३६] नई दिल्ली, शनिवार, सितम्बर ५, १९७०/भाद्र १४, १९९२

No. 36] NEW DELHI, SATURDAY, SEPTEMBER 5, 1970/BHADRA 14, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह भलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन की छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विभिन्न आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 4th August 1970

S O. 2883—Where the Election Commission is satisfied that Shri Bankim Chandra Sardar, Village Adhla, P O Tangrakhali, 24-Parganas (West Bengal), a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 95, Canning Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure,

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bankim Chandra Sardar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. WB-LA/95/69(42).]

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 4 अगस्त, 1970

एस० ओ० 2883.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 96 केनिंग निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बंकिम चन्द्र सरदार, ग्राम अकला, पो० टांगरा खाली, 24-परगना (पश्चिमी बंगाल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बंकिम चन्द्र सरदार को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० बं०-वि० सं०/95/69(42)]

S.O. 2884.—Whereas the Election Commission is satisfied that Shri M. A. Wahid, Y-2/86, Satghara, Calcutta-44 (West Bengal) a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 104-Garden Reach Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri M. A. Wahid to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of State for a period of three years from the date of this order.

[No. WB-LA/104/69(43).]

एस० ओ० 2884.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 104-गार्डन रीच निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० ए० वहीद, बार्ड 2/66, सतघरा, कलकत्ता-44 (पश्चिमी बंगाल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एम० ए० वहीद को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान

सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० ब०-वि० सं०/104/69(43)]

S.O. 2885.—Whereas the Election Commission is satisfied that Shri Abdur Rashid, G-210, Bhatikal Lane (East), Calcutta-24, a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 104-Garden Reach Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdur Rashid to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/104/69(44).]

एस० ओ० 2885.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 104-गार्डन रीच निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अब्दुर रशीद, जी० 210, बातीकल लेन, पूर्वी), कलकत्ता-24 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय तथा रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री अब्दुर रशीद को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० ब०-वि० सं०/104/69(44)]

S.O. 2886.—Whereas the Election Commission is satisfied that Shri Sachin Roy, 10, Souren Roy Road, Calcutta-34, a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 103, Behala West Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10 of the said Act, the Election Commission hereby declares the said Shri Sachin Roy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/103/69(45).]

एस० ओ० 2886.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 103-बेहला पश्चिमी

चुनाव लड़ने वाले उम्मीदवार श्री सचीनराय, 10-सोरेन राय रोड, कलकत्ता-34 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सचीन राय को संसद के दोनों सभों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० पं० बं०-वि० सं०/103/69 (45)]

S.O. 2887.—Whereas the Election Commission is satisfied that Shri Naskar Haji Ispindiar of Village Panchoor (Naskarpara), Calcutta-24, a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 103-Behala West Constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Naskar Haji Ispindiar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/103/69(46).]

एल० प्रो० 2887.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 103-बेहला पश्चिमी निर्वाचन क्षत से चुनाव लड़ने वाले उम्मीदवार श्री नास्कर हाजी इस्पनादियार ग्राम पनचूर (नास्कर पारा), कलकत्ता-24 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नास्कर हाजी इस्पिन दिया को संसद के दोनों सदन में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० पं० बं०-वि० सं०/103/69 (46)]

S.O. 2888.—Whereas the Election Commission is satisfied that Shri Radhey Shyam S/o Shri Ram Sewak, Bapusahab, Jalaun, District Jalaun, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 339-Madhogarh Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Radhey Shyam, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/339/69(89).]

एन० ओ० 2888.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 339-माधोगढ़ सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राधे श्याम सुब्रह्मण्य और रामसेवक, बापू साहब, जालौन, जिला जालौन, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्ती बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और यतः, उक्त उम्मीदवार ने, उसे सव्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यावर्जित नहीं है ;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राधेश्याम को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ०प्र०-वि०सं०/339/69(89)]

S.O. 2889.—Whereas the Election Commission is satisfied that Shri Damru Lal S/o Shri Vishun, R/o Village and Post Office Madaripur, District Jalaun, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 339-Madhogarh Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Damru Lal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/339/69(90).]

एन० ओ० 2889.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 339-माधोगढ़ सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री डमरू लाल सुब्रह्मण्य और विशुन, निवासी गांव तथा डा० मदारीपुर, जिला जालौन, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्ती बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3. अतः, अब उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री इमरु लाल को संसद् के दोनों सदनों में से किसी सदन के या किसी भी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है :

[सं. उ० प्र०—वि० सं० 3/39/69(90)]

S.O. 2890.—Whereas the Election Commission is satisfied that Shri Onkar, S/o Shri Birbal, village and Post Office Mandola, Tahsil Ghaziabad, District Meerut (Uttar Pradesh) a contesting candidate for the Mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 403-Khekra Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Onkar, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/403/69(91).]

एस० ओ० 2890.— यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन, 1969 के लिए 403-खेकड़ा सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ओंकार सुपुत्र श्री वीरबल, गांव तथा डा० मनडोला, तहसील गाजियाबाद, जिला मेरठ (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे है;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ओंकार को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. उ० प्र०—वि० सं० 403/69(91)]

S.O. 2891.—Whereas the Election Commission is satisfied that Shri Mahipal, S/o Shri Suraj Pal, Nagla Chhalula, Post Office Barhan, District Agra, Uttar Pradesh a contesting candidate for mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 358-Tundla Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mahpal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No UP-LA/358/69(92).]

एस० प्र० 2891.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 358—टुंडला सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री महिपाल सुपुत्र श्री सूरजपाल, तगला छवोला, डा० बरहन, जिला आगरा, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे है;

2. और यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3. अतः, अब, उक्त अधिनियम की धारा 10—क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री महिपाल को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०—वि० सं०/358/69(92)]

S.O. 2892.—Whereas the Election Commission is satisfied that Shri Baboo Lal, S/o Shri Bihari Lal, Burj Dadher, Post Office, Chaoli Via Barahan, District Agra, Uttar Pradesh a contesting candidate for mid-term general election, 1969 to the Uttar Pradesh Legislative Assembly from 358-Tundla Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder,

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure,

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Baboo Lal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No UP-LA/358/69(93).]

एस० प्र० 2892.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन, 1969 के लिए 358—टुंडला सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बाबू लाल सुपुत्र श्री बिहारी लाल, बुर्ज कटैर, पो० चावली बाया बरहन, जिला आगरा, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे है;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3. अतः, अब, उक्त अधिनियम की धारा 10—क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री बाबू लाल को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधानसभा

अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/358/69/(93)]

S.O. 2393.—Whereas the Election Commission is satisfied that Shri Mahi Pal Singh, S/o Shri Harbans Singh Kanwakhera, Post Office Bhabsi, Saharanpur, Uttar Pradesh a contesting candidate for the Mid-term general election, 1969, to the Uttar Pradesh Legislative Assembly from 417-Deoband Assembly Constituency has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mahi Pal Singh, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/417/69(94).]

एत० क्र० 2893.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 417-देवबन्द सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री महीपाल सिंह सुपुत्र श्री हरबंस सिंह, मौजा कुँआं, खेड़ा, डा० भदसी, सहारनपुर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री महीपाल सिंह को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/417/69(94)]

S.O. 2894.—Whereas the Election Commission is satisfied that Shri Bangali Mal, S/o Shri Chandan Singh, Mohalla Basai Khurd, Post Office Tajganj, Agra, District Agra, Uttar Pradesh, a contesting candidate for mid-term general election 1969 to the Uttar Pradesh Legislative Assembly from 360-Agra Cantonment Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bangali Mal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/360/69(95).]

एन० ओ० 2894—यतः निर्वाचन आयोग का यह समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 360—आगरा कौटूनमेंट सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बंगाली मल सुपुत्र श्री चन्दन सिंह मो० बसई खुर्द, डा० तासगंज, जिला आगरा, आगरा (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

3. अतः, अब, उक्त अधिनियम की धारा 10—क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बंगाली मल को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०—वि० सं०/360/69(95)]

S.O. 2895.—Whereas the Election Commission is satisfied that Shri Sukh Lal, S/o Shri Kalka Prasad, House No. 37-Khanderao Jalaun, District Jalaun, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 337—Orai Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sukh Lal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/337/69(96).]

एन० ओ० 2895—यतः निर्वाचन आयोग का यह समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 337—उरई सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सुखलाल सुपुत्र श्री काला प्रसाद मकान नं० 37, खण्डेराव, जालौन, जिला जालौन, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

3. अतः, अब, उक्त अधिनियम की धारा 10—क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सुखलाल को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०—वि० सं०/337/69(96)]

S.O. 2896.—Whereas the Election Commission is satisfied that Shri Ashfaq Ali, S/o Shri Ashiq Ali, Mohalla Panjawa, P.O. Ferozabad, District Agra, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 355-Ferozabad Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ashfaq Ali, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/355/69(97).]

एस० ओ० 2896—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 355—फिरोजाबाद सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री असफाक, अली, सुपुत्र श्री आशिक अली मो० पंजावा डा० फिरोजाबाद जि० आगरा उत्तर-प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री असफाक अली को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि०स०/355/69(97)]

New Delhi, the 5th August 1970

S.O. 2897.—Whereas the Election Commission is satisfied that Shri Prem Shanker Sinha, S/o Shri Chandika, R/o village and Post Office Tounga, District Pratapgarh, Uttar Pradesh a contesting candidate for mid-term general election 1969 to the Uttar Pradesh Legislative Assembly from 119-Pratapgarh Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Prem Shanker Sinha, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/119/69(98).]

नई दिल्ली, 5 अगस्त, 1970

एस० ओ० 2897—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 119—प्रतापगढ़ सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री प्रेम शंकर सिन्हा सुपुत्र श्री चंडिका, गांव तथा डा० टेऊंगा, जिला प्रतापगढ़, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2 और यत, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री प्रेम शंकर सिन्हा को ससद् के दोनों सदनों में से किसी भी सदन के या किसी भी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० उ० प्र०-वि०स०/119/69(98)]

New Delhi, the 12th August 1970

S O 2898.—Whereas the Election Commission is satisfied that Shri Rajendra Kumar Shukla, Arya Kanya Pathshala Gali, New Ganeshganj, Lucknow, Uttar Pradesh a contesting candidate for mid term general election, 1969 to the Uttar Pradesh Legislative Assembly from 66-Shahjahanpur Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder,

2 And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure,

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rajendra Kumar Shukla, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. UP-LA/66/69(100)]

नई दिल्ली, 12 अगस्त, 1970

एस० ओ० 2898—यत निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 66-शाहजहापुर सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राजेन्द्र कुमार शुक्ला, आर्य कन्या पाठशाला, गली, न्यू गनेशगंज, लखनऊ उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई लेखा दायित्व करने में असफल रहे हैं;

2 और यत, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

3 अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राजेन्द्र कुमार शुक्ला को ससद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० उ० प्र० वि०स०/66/69(100)]

New Delhi, the 17th August 1970

S.O. 2899.—Whereas the Election Commission is satisfied that Shri Anup Mohan Sen, 22, Maya Das Road Behala, Calcutta-60, a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 135-Kabitirtha constituency, has failed to lodge an account of his

election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Anup Mohan Sen to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/135/69(47).]

नई दिल्ली, 17 अगस्त, 1970

एस० नो० 2899.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिये फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिये 135-कबितीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अनूप मोहन सेन, 22, मायादेव रोड, बेहासा, कलकत्ता-60. लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

2. और, यतः उक्त उम्मीदवार ने, उसे सभ्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिये कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

3. अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री अनूप मोहन सेन को संसद् के दोनों सदन में से किसी भी सदन के या किसी राज्य की विधान परिषद् के सदस्य चुने जाने और होने लिये, इस आदेश को तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[सं० प०-वि० सं०/135/69/(47)]

S.O. 2900.—Whereas the Election Commission is satisfied that Shri Rabindranath Mazumdar of Village Kowtala, District 24-Parganas (West Bengal) a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 115-Patharpratima Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder:—

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rabindranath Mazumdar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/115/69(48).]

एस० नो० 2900.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिये फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिये 115-पथारप्रतिमा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रविन्द्रनाथ मजूमदार, ग्राम-कोवटाला, जिला-24 परगना (पश्चिमी बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः; अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री रविन्द्रनाथ मजूमदार को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० ब०-वि० सं०/115/69(48)]

New Delhi, the 20th August 1970

S.O. 2901.—Whereas Shri K. Narayana Kurup, Cherumakal House, Champa-kara Post Office, via, Thottakad, Kottayam, Kerala, who was a contesting candidate for election to the Kerala Legislative Assembly from 81:Vazhoor Constituency, held in February, 1967, was disqualified by the Commission by its Order No. KL-LA/81/67(49), dated the 24th May, 1968, under section 10A of the Representation of the People Act, 1951, for the failure to lodge the account of his election expenses in the manner as required by the said Act and the Rules made thereunder;

Now, therefore, in exercise of the powers conferred by section 11 of the said Act, the Election Commission, for the reason recorded on the representation made by the said candidate Shri K. Narayana Kurup, reduces the period of disqualification imposed on him to the period of disqualification already suffered by him and removes the disqualification for the unexpired period with immediate effect.

[No. KL-LA/81/67(1).]

नई दिल्ली, 20 अगस्त 1970

एस० ओ० 2901—यतः श्री के० नारायण कुरुप निवासी चेरुमाकल हाऊस चम्पकारा पोस्ट आफिस वाया थोट्टाकाड कोटायम, केरल जो केरल विधान सभा के लिए फरवरी 1967 में हुए निर्वाचन में 81-वझूर निर्वाचन-क्षेत्र से निर्वाचन लड़ने वाले अभ्यर्थी थे लोक प्रतिनिधित्व अधिनियम 1951 की धारा 10-क के अधीन आयोग द्वारा उसके आदेश सं० केरल-वि० सं०/81/67(49) तारीख 24 मई, 1968 द्वारा उक्त अधिनियम तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहने के कारण निरहित कर दिए गए थे;

अतः अब उक्त अधिनियम की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग ने उक्त अभ्यर्थी श्री के० नारायण कुरुप द्वारा दिए गए अभ्यावेदन पर अभिलिखित कारणों से आदेश दिया है कि उन पर अधिरोपित निरहिता की कालावधि घटाकर उतनी ही की जाती है जितनी वह वास्तव में सहन कर चुके हैं और उस निरहिता की अनवसित कालावधि इसी समय हटाई जाती है।

[सं० केरल-वि० सं०/81/67(1)]

New Delhi, the 22nd August 1970

S.O. 2902.—Whereas Shri P. K. Chathan, Payyappilly, Post Office Madayikonam, Irinjalakuda, Kerala State, who was a contesting candidate for election to Kerala Legislative Assembly from 57-Chalakudy constituency, held in February, 1967, was disqualified by the Commission by its Order No. KL-LA/57/67(31), dated the 14th September, 1967, under section 10A of the Representation of the People Act, 1951, for his failure to lodge the account of his election expenses in the manner required by the said Act and the Rules made thereunder;

Now, therefore, in exercise of the powers conferred by section 11 of the said Act, the Election Commission, for the reasons recorded on the representation,

made by the said candidate Shri P. K. Chathan, reduces the period of disqualification imposed on him to the period of disqualification already suffered by him and removes the disqualification for the un-expired period with immediate effect.

[No. KL-LA/57/67(2).]

By Order,
K. S. RAJAGOPALAN, Secy.

नई दिल्ली, 22 अगस्त 1970

[एस० ओ० 2902.—यतः श्री पी० के० चायन पर्याप्त लि डाकघर मड़ाई कोनम इरिन जालाकुड़ा केरल राज्य जो केरल विधान सभा के लिए फरवरी 1967 में हुए निर्वाचन 57—बालाकुड़ों निर्वाचन क्षेत्र से निर्वाचन लड़ने वाले अभ्यर्थी थे लोक प्रतिनिधित्व अधिनियम 1951 की धारा 10—क के अधीन आयोग द्वारा उसके आदेश सं० केरल वि० सं० 57/67(31) तारीख 14 सितम्बर 1967 द्वारा उक्त अधिनियम तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहने के कारण निरहित कर दिए गए थे;

अतः अब उक्त अधिनियम की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग उक्त अभ्यर्थी श्री पी० के० चायन द्वारा दिए गए अभ्यावेदन पर अभिलिखित कारणों से उन पर अधिरोपित निरहिता की कालावधि को घटाकर उतनी ही करता है जितनी वह वास्तव में सहन कर चुके हैं और उस निरहिता को अनवसित कालावधि को इसी समय से हटाता है।

[सं० केरल-वि० सं० 57/67 (2)]

आदेश सं,

के० एस० राजगोपालन, सचिव।

New Delhi, the 11th August 1970

S.O. 2903.—Whereas the Election Commission is satisfied that Shri Sadanand Jha, R/o village Golhatti, P.O. Shyam Bazar, District Bhagalpur, Bihar, a contesting candidate for the mid-term election to the Bihar Legislative Assembly held in 1969 from 168-Katoria Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sadanand Jha to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/168/69(105).]

नई दिल्ली, 11 अगस्त, 1970

एस० ओ० 2903—यतः निर्वाचन आयोग का सनाधान हो गया है कि बिहार विधान सभा के लिये फरवरी 1969 में हुए मध्यावधि निर्वाचन के लिये 168—कटोरिया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सदानन्द झा, ग्राम-गोलहट्टी, पो० श्याम बजार, जिला-भागलपुर (बिहार, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यत : उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन में आयोग एतद्द्वारा उक्त श्री मदानन्द झा को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[सं०-बिहार-वि० सं०/168/69(105)]

New Delhi, the 12th August 1970

S.O. 2904.—Whereas the Election Commission is satisfied that Shri Barka Baskey, R/o Village Baghkala, P.O. Ranigram, District Santhal Parganas, (Bihar), a contesting candidate for the mid-term election to the Bihar Legislative Assembly held in 1969 from 145-Shikaripara (ST) Assembly Constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Barka Baskey to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/145/69(106).]

By Order,

ROSHAN LAL, Secy.

नई दिल्ली, 12 अगस्त, 1970

एस० ओ० 2904—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिये फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिये 145-शिकारीपाड़ा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बड़कावास्की, निवासी ग्राम-बागखाला, डा०-रानीग्राम, जिला संताल परगना (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्बधीन बनाए गए नियमों द्वारा अपेक्षित समय तथा रीति में अपन निर्वाचन व्ययों का लेखा वाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री बड़कावास्की को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[सं० बिहार-वि० सं०/145/69(106)]

आदेश से ,

रोशन लाल, सचिव ।

MINISTRY OF HOME AFFAIRS*New Delhi, the 22nd August 1970*

S.O. 2905.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952) the Central Government hereby makes the following further amendment to the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 1104 dated the 29th March, 1965 namely:—

In the said notification in paragraph for the figures letters and word "30th June, 1970" the figures, letters and word "31st December, 1970" shall be and shall be deemed always to have been substituted.

By Order

and in the name of the President of India

[No. 1/3/65-Delhi.]

R. C. GUPTA, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 22 अगस्त, 1970

का०आ० 2905.—जांच आयोग अधिनियम, 1952 (1952 का 60) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार के गृह मंत्रालय की अधिसूचना सं० का० आ० 1104, तारीख 29 मार्च, 1965 में और आगे निम्नलिखित संशोधन करती है अर्थात् :—

उक्त अधिसूचना में पैरा 4 में "30 जून, 1970" श्रंको, और शब्द के स्थान पर "31 दिसम्बर, 1970" श्रंक, और शब्द प्रतिस्थापित किए जाएंगे और सदैव से प्रतिस्थापित किए गए समझे जाएंगे।

भारत के राष्ट्रपति के आदेश से और उनके नाम में

[सं० 1/3/65-दिल्ली]

आर० सी० गुप्ता, उप-सचिव।

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 27th June 1970*

S.O. 2906.—In pursuance of clause (3) of Article 77 of the Constitution of India and of all other powers enabling him in this behalf, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1958, namely:—

1. These rules may be called the Delegation of Financial Powers (Amendment) Rules, 1970.

2. In the Delegation of Financial Powers Rules, 1958:—

(1) in clause (e) of rule 2, the following words shall be inserted in the end, namely,—

"and includes such authority or person whom the President may, by order, specify as Head of a Department.";

(2) in rule 10, after sub-rule (2), the following sub-rule shall be inserted, namely,—

"(2A) The Administrator or Head of a Department referred to in sub-rule (2) may, by order, authorise a Gazetted Officer serving under him to take decisions in respect of any matters specified in Schedules II

to VII to such extent as may be mentioned in that order. The Administrator or Head of a Department shall, however, continue to be responsible for the correctness, regularity and propriety of the decisions taken by the Gazetted Officer so authorised.”;

(3) in rule 11, for second proviso, the following proviso shall be substituted, namely.—

“Provided further that in relation to public works the power conferred by this rule shall be subject to the provisions of the Central Public Works Department Code, the Central Public Works Account Code, the relevant departmental code issued after consultation with the Finance Ministry or any general or special order of the President in this behalf.”;

(4) in Schedule I.—

(i) under the heading “Ministry of Finance (Department of Economic Affairs):

(a) for item 4 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted, with effect from the 16th day of May, 1969, namely.—

“4. General Manager and *ex-officio* Controller of Stamps, Nasik Road in respect of India Security Press, Nasik Road (including the stamp Press, Currency Note Presses and Central Stamp Store).”;

(b) after item 9 and the entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 23rd day of July, 1969, namely.—

“10. Officer on Special Duty, Intaglio Press.”;

(ii) under the heading “K. Ministry of Food and Agriculture (Department of Agriculture)” after item 27 and the entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 25th day of March, 1969, namely.—

“28. Director, Central State Farm, Raichur (Mysore).”;

(iii) under the heading “N. Ministry of Home Affairs”, after item 17 and the entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 11th day of July, 1969, namely.—

“18. Inspector-General, Central Industrial Security Force.”;

(iv) under the heading “R. Ministry of Irrigation and Power”, after item 2 and the entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 22nd day of January, 1965, namely.—

“3. Chairman, Central Electricity Authority.”;

(v) under the heading “S. Ministry of Labour and Employment”,

(a) for item 9 and 10 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 18th day of August, 1969, namely.—

“9. Vice-Chairman, Mica Mines Labour Welfare Fund Advisory Committee for Rajasthan in respect of the Office of the Mica Mines Labour Welfare Fund Organisation in Rajasthan.

10. Vice-Chairman, Mica Mines Labour Welfare Fund Advisory Committee for Andhra Pradesh in respect of the Office of the Mica Mines Labour Welfare Fund Organisation in Andhra Pradesh.”;

(b) for item 11 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 31st day of March, 1969, namely.—

“11. Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Andhra Pradesh in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Andhra Pradesh.”;

(c) for item 12 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 8th day of July, 1969, namely.—

"12. Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Bihar in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Bihar.”;

(d) for item 13 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 31st day of March, 1969, namely.—

"13. Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Orissa in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee, Orissa.”;

(e) for item 14 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 8th day of July, 1969, namely.—

"14. Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Madhya Pradesh in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Madhya Pradesh.”;

(f) for item 17 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 8th day of July, 1969, namely.—

"17. Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Goa, Daman and Diu in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Goa, Daman and Diu.”;

(g) after item 18 and the entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 31st day of March, 1969, namely.—

"19. Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Mysore in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee, Mysore.

20. Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Maharashtra in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee, Maharashtra.”;

(vi) under the heading "U. Ministry of Rehabilitation", after item 7 and the entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 7th day of August, 1969, namely.—

"8. Chief Commandant, Mana Group of Transit Centres, Mana, Raipur, Madhya Pradesh.”;

(vii) under the heading "AP. Union Territories”,

(a) under the sub-heading "(b) Himachal Pradesh Administration", after item 8 and entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 24th day of February, 1969, namely.—

"9. Director of Health Services.

10. Director of Industries.

11. Director of Agriculture.”;

(b) under the sub-heading "(c) Chandigarh Administration”,

(i) for item 3 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 1st day of July, 1968, namely.—

"3. The Principal, Punjab Engineering College, Chandigarh.”;

(ii) after item 4 and the entries relating thereto, the following shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 1968, namely.—

"5. Professor and Head of Civil Engineering Department Punjab Engineering College, Chandigarh and *Ex-officio* Director, Technical Education, Chandigarh.”;

(5) in the Annexure to Schedule V, for the letters and figures "Rs. 5,000", occurring in both the places in paragraph (9) of column 4 against item 18, the letters and figures "Rs. 7,500" shall be substituted.

[No. F. 1(39)-E. II(A)/67.]

Explanatory Memorandum in respect of Amendments included in Rule 2(4) above from retrospective dates

Executive orders were issued from time to time declaring the following authorities as Heads of Departments on dates mentioned against each to enable them to exercise all the powers delegated to Heads of Departments under the Delegation of Financial Powers Rules, 1958. Rule 2(e) of the said Rules defines "Head of a Department" in relation to an office or offices under its administrative control, as an authority specified in Schedule I to these rules. Accordingly, the names of the authorities mentioned below are also required to be included in the said Schedule from the dates these authorities were declared as Heads of Department by executive orders. Such retrospective application relates mainly to exercise of financial powers which are being actually exercised from these dates and is not expected to affect prejudicially the interests of any person. The amendments, which are being given retrospective effect for the reasons mentioned above, are indicated below:—

"Rule 2(4) of the Delegation of Financial Powers (Amendment) Rules, 1970:—(Schedule I)

- (i) Under the heading "Ministry of Finance" (Department of Economic Affairs),
 - (a) the existing entries relating to item 4 of Schedule I are being substituted with effect from the sixteenth day of May, 1969 by the words "General Manager and *ex-officio* Controller of Stamps, Nasik Road in respect of India Security Press, Nasik Road (including the Stamp Press, Currency Note Presses and Central Stamp Store)" for the reason that this authority started functioning as a Head of Department by virtue of executive orders with effect from the above mentioned date;
 - (b) the name of Officer on Special Duty, Intaglio Press is being inserted as item 10 in the said Schedule with effect from 23rd day of July, 1969 after item 9 as he has been declared as a Head of Department with effect from that day by executive orders;
 - (ii) the name of Director, Central State Farm Raichur (Mysore) is being inserted with effect from the 25th day of January, 1969 as item 28 in the said Schedule after item 27 under the heading "K-Ministry of Food & Agriculture (Department of Agriculture)" as the Director has been declared by executive orders as a Head of Department from that day;
 - (iii) the name of Inspector General, Central Industrial Security Force is being inserted as item 18 in the said Schedule with effect from the 11th day of July, 1969 after item 17 under the heading "N-Ministry of Home Affairs" as he has been declared as a Head of Department by executive orders from that day;
 - (iv) the name of Chairman, Central Electricity Authority is being inserted in the said Schedule as item 3 after item 2 under the heading "R-Ministry of Irrigation and Power" with effect from the 22nd day of January, 1965 as he has been declared as a Head of Department by executive orders from that day;
 - (v) the following authorities are being inserted in the said Schedule from the dates noted against each under the heading "S-Ministry of Labour and Employment" as these authorities have been exercising powers of Heads of Departments by virtue of executive orders from the same date:—
 - (a) Item 9: Vice-Chairman, Mica Mines Labour Welfare Fund Advisory Committee for Rajasthan in respect of the Office of the Mica Mines Labour Welfare Fund Organisation in Rajasthan from the 18th day of August, 1969;
 - Item 10: Vice-Chairman, Mica Mines Labour Welfare Fund Advisory Committee for Andhra Pradesh in respect of the Office of the Mica Mines Labour Welfare Fund Organisation in Andhra Pradesh from the 18th day of August, 1969;

- (b) Item 11: Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Andhra Pradesh in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Andhra Pradesh from the 31st day of March, 1969;
- (c) Item 12: Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Bihar in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Bihar from the 8th day of July, 1969;
- (d) Item 13: Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Orissa in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee, Orissa from the 31st day of March, 1969;
- (e) Item 14: Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Madhya Pradesh in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Madhya Pradesh from the 8th day of July, 1969;
- (f) Item 17: Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Goa, Daman and Diu in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for Goa, Daman and Diu from the 8th day of July, 1969;
- (g) Item 19: Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Mysore in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee, Mysore from the 31st day of March, 1969;
- (h) Item 20: Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Maharashtra in respect of the Office of the Vice-Chairman, Iron Ore Mines Labour Welfare Fund Advisory Committee, Maharashtra from the 31st day of March, 1969;
- (vi) the name of the Chief Commandant, Mana Group of Transit Centres, Mana, Raipur, Madhya Pradesh is being inserted in the said Schedule after item 7 under the heading "U-Ministry of Rehabilitation" with effect from the 7th day of August, 1969 as he has been declared as a Head of Department by executive orders from the same date;
- (vii) the following authorities are being inserted in the said Schedule from the dates noted against each under the heading "A.D.-Union Territories" as these authorities have been exercising powers of Heads of Departments by virtue of executive orders from the same date—
 - (a) Item 9: Director of Health Services,
Item 10: Director of Industries, and
Item 11: Director of Agriculture with effect from the 24th day of February, 1969 under the sub-heading "(b)—Himachal Pradesh Administration".
 - (b) Item 3: The Principal, Punjab Engineering College, Chandigarh and item 5—Professor and Head of Civil Engineering Department Punjab Engineering College, Chandigarh and *ex-officio* Director, Technical Education, Chandigarh with effect from the 1st day of July, 1968 under the sub-heading "(c) Chandigarh Administration".

H. K. NARULA, Under Secy.

(Department of Banking)

New Delhi, the 7th August 1970

S. O. 2907.—Statement of the Affairs of the Reserve Bank of India, as on the 31st July, 1970.

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital Paid Up	.	5,00,00,000	Notes	.	17,20,48,000
Reserve Fund	.	150,00,00,000	Rupee Coin	.	2,16,000
			Small Coin	.	5,60,000
National Agricultural Credit (Long Term Operations) Fund	.	172,00,00,000	Bills Purchased and Discounted :—		
			(a) Internal	.	..
			(b) External	.	..
			(c) Government Treasury Bills	.	21,78,58,000
National Agricultural Credit (Stabilisation) Fund	.	37,00,00,000	Balances held Abroad*	.	114,57,52,000
			Investments**	.	178,18,60,000
National Industrial Credit (Long Term Operations Fund)	.	95,00,00,000	Loans and Advances to :—		
			(i) Central Government	.	..
			(ii) State Governments@	.	52,94,10,000
Deposits :—			Loans and Advances to :—		
(a) Government			(i) Scheduled Commercial Banks†	.	219,92,85,000
(i) Central Government	.	115,85,70,000	(ii) State Co-operative Banks††	.	227,66,64,000

LIABILITIES		Rs.	ASSETS		Rs.
(i) State Governments		12,41,96,000	(iii) Others		2,98,26,000
			Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—		
(b) Banks			(a) Loans and Advances to :—		
(i) Scheduled Commercial Banks		174,49,52,000	(i) State Governments		34,32,23,000
(ii) Scheduled State Co-operative Banks		9,94,04,000	(ii) State Co-operative Banks		22,33,04,000
(iii) Non-Scheduled State Co-operative Banks		77,62,000	(iii) Central Land Mortgage Banks . . . . .		..
(iv) Other Banks		22,14,000	(b) Investment in Central Land Mortgage Bank Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund		9,57,02,000
			Loans and Advances to State Co-operative Banks		5,22,67,000
			Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—		
(c) Others		159,34,53,000	(a) Loans and Advances to the Development Bank		26,26,71,000
Bills Payable		15,65,52,000	(b) Investment in bonds/debentures issued by the Development Bank . . . . .		..
Other Liabilities		23,75,33,000	Other Assets		39,39,96,000
	Rupees	972,46,42,000		Rupees .	972,46,42,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 108,05,70,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 5th day of August, 1970.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 31st day of July, 1970.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	17,20,48,000		Gold Coin and Bullion :—		
			(a) Held in India	182,53,11,000	
Notes in circulation	3904,92,96,000		(b) Held outside India . . . .	..
Total Notes issued		3922,13,44,000	Foreign Securities	366,42,00,000	
			TOTAL		548,95,11,000
			Rupee Coin		60,63,32,000
			Government of India Rupee Securities		3312,55,01,000
			Internal Bills of Exchange and other		
			commercial paper . . . . .		..
TOTAL LIABILITIES		3922,13,44,000	TOTAL ASSETS		3922,13,44,000

Dated the 5th day of August, 1970.

S. JAGANNATHAN,
Governor.
[No. F. 3 (3)-BC/70.]

वित्त मंत्रालय
(बैंकिंग विभाग)

नई दिल्ली, 7 अगस्त, 1970

एस० एम० 2907.—31 जुलाई, 1970 को रिजर्व बैंक ऑफ इण्डिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएं	रुपये	आस्तियां	रुपये
चुक्ता पूंजी	5,00,00,000	नोट	17,20,48,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	2,16,000
		छोटा सिक्का	5,60,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि	172,00,00,000	खरीदे और भुनाये गये बिल :—	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	37,00,00,000	(क) देशी . . . . .	..
		(ख) विदेशी . . . . .	..
		(ग) सरकारी खजाना बिल	21,78,58,000
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि	95,00,00,000	विदेशों में रखा हुआ बकाया*	114,57,52,000
जमा राशियां :—		निवेश**	178,18,60,000
(क) सरकारी		ऋण और अग्रिम :—	
(i) केन्द्रीय सरकार	115,85,70,000	(i) केन्द्रीय सरकार को . . . . .	..
(ii) राज्य सरकारें	12,41,96,000	(ii) राज्य सरकारों को@	52,94,10,000
		ऋण और अग्रिम :—	
(ख) बैंक		(i) अनुसूचित वाणिज्य बैंकों को†	219,92,85,000
(i) अनुसूचित वाणिज्य बैंक	174,49,52,000	(ii) राज्य सहकारी बैंकों को††	227,66,64,000
(ii) अनुसूचित राज्य सहकारी बैंक	9,94,04,000	(iii) दूसरों को	2,98,26,000

(iii) बैंर अनुसूचित राज्य सहकारी बैंक	77,62,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से	
(iv) अन्य बैंक	22,14,000	ऋण, अग्रिम और निवेश :—	
		(क) ऋण और अग्रिम :—	
(ग) अन्य	159,34,59,000	(i) राज्य सरकारों को	34,32,23,000
		(ii) राज्य सहकारी बैंकों को	22,33,04,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को	..
देश बिल	16,65,52,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश	9,57,02,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण	
		और अग्रिम :—	
अन्य देयताएं	23,75,33,000	राज्य सहकारी बैंकों को ऋण और अग्रिम	5,22,67,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से	
		ऋण, अग्रिम और निवेश :—	
		(क) विकास बैंक को ऋण और अग्रिम	26,26,71,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिबेंचरों में निवेश	..
		अन्य आस्तियां	39,39,96,000
रुपये 972,46,42,000		रुपये 972,46,42,000	

*नकदी, आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों के अस्थायी ओवरड्राफ्ट शामिल हैं।

†रिजर्व बैंक ऑफ इंडिया अधिनियम की धारा 17 (4) (म) के अधीन अनुसूचित वाणिज्य बैंकों को मियादी बिलों पर अग्रिम दिये गये 108,05,70,000 रु० शामिल हैं।

††राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 5 अगस्त, 1970

रिज़र्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में 31 जुलाई, 1970 तारीख को समाप्त हुए सप्ताह के लिये लेखा
इशू विभाग

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन :—		
नोट	17,20,48,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	3904,92,96,000		(ख) भारत के बाहर रखा		
			हुआ . . . . .	..
जारी किए गए कुल नोट		3922,13,44,000	विदेशी प्रतिभूतियां	366,42,00,000	
			जोड़		548,95,11,000
			रुपये का सिक्का		60,63,32,000
			भारत सरकार की रुपया		
			प्रतिभूतियां		3312,55,01,000
			देशी विनिमय बिल और		
			दूसरे वाणिज्य-पत्र . . . . .		..
कुल देयताएं		3922,13,44,000	कुल आस्तियां		3922,13,44,000

तारीख : 5 अगस्त, 1970

एस० जगन्नाथन,
वरिष्ठ ।

[सं० एफ० 3(3)-बी० सी०/70]

New Delhi, the 14th August 1970

S.O. 2908.—Statement of the Affairs of the Reserve Bank of India, as on the 7th August, 1970

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	60,13,56,000
		Rupee Coin	8,07,000
Reserve Fund	150,00,00,000	Small Coin	5,73,000
National Agricultural Credit (Long Term Operations) Fund	172,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	28,36,51,000
National Agricultural Credit (Stabilisation) Fund	37,00,00,000	Balances Held Abroad*	112,27,26,000
National Industrial Credit (Long Term Operations) Fund	95,00,00,000	Investments**	117,28,58,000
		Loans and Advances to :—	
		(i) Central Government . . . . .	..
		(ii) State Governments @	64,23,07,000
Deposits :—		Loans and Advances to :—	
		(i) Scheduled Commercial Banks†	239,35,55,000
(a) Government :—		(ii) State Co-operative Banks††	230,03,51,000
(i) Central Government	87,05,46,000	(iii) Others	2,00,01,000

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of August, 1970.
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	60,13,56,000		Gold Coin and Bullion :—		
Notes in circulation	<u>3899,35,57,000</u>		(a) Held in India	182,53,11,000	
Total Notes issued		3959,49,13,000	(b) Held outside India	..	
			Foreign Securities	<u>356,42,00,000</u>	
			TOTAL		538,95,11,000
			Rupee Coin		57,98,05,000
			Government of India Rupee Securities		3362,55,97,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		<u>3959,49,13,000</u>	TOTAL ASSETS		<u>3959,49,13,000</u>

Dated the 12nd day of August, 1970,

S. JAGANNATHAN,
Governor.

[No. F. 3(3)-BC/70.]

नई दिल्ली, 14 अगस्त, 1970

एस० नो० 2908.—7 अगस्त 1970 को रिज़र्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण।

देयताएं	रुपये	आस्तियां	रुपये
चुक्ता पूंजी	5,00,00,000	नोट	60,13,56,000
भारक्षित निधि	150,00,00,000	रुपये का सिक्का	8,07,000
		छोटा सिक्का	5,73,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि	172,00,00,000	खरीदे और भुनाये गये बिल :—	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	37,00,00,000	(क) देशी . . . . .	..
		(ख) विदेशी . . . . .	..
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि	95,00,00,000	(ग) सरकारी खजाना बिल	28,36,51,000
		विदेशों में रखा हुआ बकाया*	112,27,26,000
जमा-राशियां :—		निवेश**	117,28,58,000
(क) सरकारी		ऋण और अग्रिम :—	
(i) केन्द्रीय सरकार	87,05,46,000	(i) केन्द्रीय सरकार को . . . . .	..
(ii) राज्य सरकारें	7,50,43,000	(ii) राज्य सरकारों को@	64,23,07,000
		ऋण और अग्रिम :—	
(ख) बैंक		(i) अनुसूचित वाणिज्य बैंकों को†	239,35,55,000
(i) अनुसूचित वाणिज्य बैंक	181,39,65,000	(ii) राज्य सहकारी बैंकों को††	230,03,51,000
(ii) अनुसूचित राज्य सहकारी बैंक	8,92,65,000	(iii) दूसरों को	2,00,01,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश :—	

		(क) ऋण और अग्रिम:—	
(iii) गैर-अनुसूचित राज्य सहकारी बैंक	77,62,000	(i) राज्य सरकारों को	34,31,62,000
(iv) अन्य बैंक	29,13,000	(ii) राज्य सहकारी बैंकों को	22,75,51,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को	..
(ग) अन्य	156,29,34,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश	
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण	
		और अग्रिम	9,57,02,000
देय बिल	36,70,09,000	राज्य सहकारी बैंकों को ऋण और अग्रिम	5,22,10,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से	
		ऋण, अग्रिम और निवेश:—	
अन्य देयताएं	48,06,76,000	(क) विकास बैंक को ऋण और अग्रिम	26,26,71,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिबेंचरों में निवेश	..
		अन्य आस्तियां	34,06,32,000
रूपये	986,01,13,000	रूपये	986,01,13,000

*नकदी, आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों के अस्थायी ओवरड्राफ्ट शामिल हैं।

†रिजर्व बैंक ऑफ इंडिया अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मियादी बिलों पर अग्रिम दिये गये 115,77,65,000 रूपये शामिल हैं।

††राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 12 अगस्त, 1970।

रिज़र्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में अगस्त 1970 की 7 तारीख को समाप्त हुए सप्ताह के लिये लेखा

इशू विभाग

देयताएं	रुपये	रुपये	प्रास्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन :-		
नोट	60,13,56,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	3899,35,57,000		(ख) भारत के बाहर रखा हुआ		
			विदेशी प्रतिभूतियां	356,42,00,000	
जारी किए गए कुल नोट		3959,49,13,000			
			बोर्ड		538,95,11,000
			रुपये का सिक्का		57,98,05,000
			भारत सरकार की रुपया प्रतिभूतियां		3362,55,97,000
			देशी विनिमय बिल और दूसरे वाणिज्य पत्र		
कुल देयताएं		3959,49,13,000	कुल प्रास्तियां		3959,49,13,000

तारीख : 12 अगस्त, 1970।

एस० जगन्नाथन,
गवर्नर ।

[सं० फ० 3(3)-बी० सी०/70]

New Delhi, the 21st August 1970

S.O. 2989.—Statement of the Affairs of the Reserve Bank of India as on the 14th August, 1970

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . .	5,00,00,000	Notes	44,97,68,000
		Rupee Coin	11,70,000
Reserve Fund	150,00,00,000	Small Coin	4,27,000
National Agricultural Credit (Long Term Operations) Fund .	172,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
National Agricultural Credit (Stabilisation) Fund . . .	37,00,00,000	(c) Government Treasury Bills	33,13,01,000
		Balances Held Abroad*	107,83,52,000
National Industrial Credit (Long Term Operations) Fund	95,00,00,000	Investments**	107,78,51,000
		Loans and Advances to: —	
		(i) Central Government . . . . .	..
		(ii) State Governments@	80,87,19,000
Deposits—		Loans and Advances to:—	
(a) Government—		(i) Scheduled Commercial Banks†	226 51 45,000
(i) Central Government	63,75,44,000	(ii) State Co-operative Banks††	235,05,13,000
		(iii) Others	1 72 30,000

LIABILITIES			ASSETS		
			Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—		
(ii) State Governments	5,46,07,000		(a) Loans and Advances to :—		
			(i) State Governments	34,31,63,000	
			(ii) State Co-operative Bank	22,63,06,000	
			(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks—			(b) Investment in Central Land Mortgage Bank Debentures	9,57,02,000	
(i) Scheduled Commercial Banks	200,70,66,000		Loans and Advances from National Agricultural Credit (Stabilisation) Fund—		
(ii) Scheduled State Co-operative Banks	7,48,89,000		Loans and Advances to State Co-operative Banks		
(iii) Non-Scheduled State Co-operative Banks	70,72,000			5,22,39,000	
(iv) Other Banks	21,53,000		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—		
(c) Others	155,49,78,000		(a) Loans and Advances to the Development Bank	20,26,71,000	
Bills payable	29,83,78,000		(b) Investment in bonds/debentures issued by the Development Bank		
Other Liabilities	51,10,77,000		Other Assets	32,71,07,000	
	Rupees	973,77,64,000		Rupees	973,77,64,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

(2) Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 115,31,65,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 19th day of August 1970.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 14th day of August, 1970.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	P.
Notes held in the Banking Department			Gold Coin and Bullion :-		
Notes in Circulation	44,97,68,000		(a) Held in India	182,53,11,000	
	39,15,62,58,000		(b) Held outside India	..	
Total Notes issued		3960 60,26,000	Foreign Securities]	356,42,00,000	
			TOTAL		538,95,11,000
			Rupee Coin		59,09,14,000
			Government of India Rupee Securities		3362,56,01,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		3960,60,26,000	TOTAL ASSETS		3960,60,26,000

Dated the 19th day of August, 1970.

P. N. DAMRY,
Dy. Governor.

[No. F 3(3)-BC/70.]

K. YESURATNAM, Under Secy.

CORRIGENDUM

In the Statement of the Affairs of the Reserve Bank of India, Banking Department as on 26th June 1970 published on pages 2972-2973 of Part II, Section 3(ii) of the Gazette of India issue dated 11th July 1970, the figure against the head "Rupee Coin" on the Assets Side of the Statement should be read as 2,57,000 instead of 2,75,000.

नई दिल्ली, 21 अगस्त, 1970

एस० ओ० 2909 --14 अगस्त, 1970 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण ।

देयताएं	रुपये	आस्तियां	रुपये
चुक्ता पूंजी	5,00,00,000	नोट	44,97,68,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	11,70,000
		छोटा सिक्का	4,27,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि	172,00,00,000	खरीदे और मुनाये गये बिल:—	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	37,00,00,000	(क) देशी . . . . .	..
		(ख) विदेशी . . . . .	..
		(ग) नकरी खजाना बिल	38,13,01,000
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि	95,00,00,000	विदेशों में रखा हुआ बकाया*	107,83,52,000
जमा राशियां :—		निवेश**	107,78,51,000
(क) सरकारी		ऋण और अग्रिम :—	
(i) केन्द्रीय सरकार	63,75,44,000	(i) केन्द्रीय सरकार को . . . . .	..
(ii) राज्य सरकारें	5,46,07,000	(ii) राज्य सरकारों को @	80,87,19,000
		ऋण और अग्रिम :—	
(ख) बैंक		(i) अनुसूचित वाणिज्य बैंकों को†	226,52,45,000
(i) अनुसूचित वाणिज्य बैंक	200,70,66,000	(ii) राज्य सहकारी बैंकों को††	235,05,13,000
(ii) अनुसूचित राज्य सहकारी बैंक	7,48,89,000	(iii) दूसरों को	1,72,30,000

(ii) गैर-अनुसूचित राज्य सहकारी बैंक		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से	
(iv) अन्य बैंक		ऋण, अग्रिम और निवेश :-	
		(क) ऋण और अग्रिम :-	
(ग) अन्य	70,72,000	(i) राज्य सरकारों को	34,31,63,000
	21,53,000	(ii) राज्य सहकारी बैंकों को	22,63,06,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को	
देय बिल	155,49,78,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश	9,57,02,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम	
अन्य देयताएं	29,83,78,000	राज्य सहकारी बैंकों को ऋण और अग्रिम	5,22,39,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश :-	
	51,10,77,000	(क) विकास बैंक को ऋण और अग्रिम	26,26,71,000
		(ख) विकास बैंक द्वारा जारी किए गए बांडों/डिबेंचरों में निवेश	
		अन्य आस्तियां	32,71,07,000
रुपये	973,77,64,000	रुपये	973,77,64,000

*नकदी, आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किए गए निवेश शामिल नहीं हैं।

राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों के अस्थायी ओवरड्राफ्ट शामिल हैं।

† रिजर्व बैंक ऑफ इण्डिया अधिनियम की धारा 17(4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मियादी बिलों पर अग्रिम दिये गये 115,31,65,000 रुपये शामिल हैं।

†† राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 19 अगस्त, 1970।

रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में अगस्त, 1970 की 14 तारीख को समाप्त हुए सप्ताह के लिये लेखा
इस विभाग

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन:—		
नोट .	44,97,68,000		(.) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	3915,62,58,000		(ख) भारत के बाहर रखा हुआ	..	
			विदेशी प्रतिभूतियां	356,42,00,000	
जारी किए गए कुल नोट		3960,60,26,000			
			जोड़ . .		538,95,11,000
			रुपये का सिक्का . .		59,09,14,000
			भारत सरकार की रुपया प्रतिभूतियां . .		3362,56,01,000
			देशी विनिमय बिल और दूसरे वाणिज्य-पत्र .		..
कुल देयताएं . .		3960,60,26,000	कुल आस्तियां .		3960,60,26,000

तारीख 19 अगस्त, 1970।

एस० जगन्नाथन,
गवर्नर।

[सं० फ० 3 (3)—बी० सी०/70]

के० येसूरत्तम, अनु-सचिव।

(Department of Revenue and Insurance)**INCOME-TAX***New Delhi, the 19th August 1970*

S.O. 2910.—It is hereby notified for general information that the institution mentioned below has been approved with effect from 22nd October, 1962, by the Council of Scientific and Industrial Research, the "prescribed authority", for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax, 1961 (43 of 1961):

INSTITUTION

Indian Institute of Management, Ahmedabad.

[No. 142/F. No. 203/3/70-ITA2.]

S. N. NAUTIAL, Dy. Secy.

(राजस्व और बीमा विभाग)**आय-कर**

नई दिल्ली, 19 अगस्त, 1970

एस० नो० 2910—एतद्द्वारा आधारण जानकारी के लिए यह अधिसूचित किया जाता है कि नीचे वर्णित संस्था को आय-कर अधिनियम, 1961 (1961 का 43) की धारा 35 की उपधारा (1) के खण्ड (II) के प्रयोजन के लिए "विहित प्राधिकारी", वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद् द्वारा 22-11-1962 से अनुमोदित कर दिया गया है:

संस्था

इंडियन इन्स्टीट्यूट आफ मैनेजमेन्ट, अहमदाबाद।

[सं० 142/का० सं० 203/3/70-आइटीए 2]

एस० एन० नौटियाल, उ०-सचिव।

CENTRAL BOARD OF DIRECT TAXES**INCOME-TAX***New Delhi, the 23rd April 1970*

S.O. 2911.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments in the Schedule appended to its Notification No. 53-Income-tax, dated the 27th May, 1969, namely:—

In the said Schedule against B Range, Madras under Column 2, the following shall be substituted, namely:—

B-Range, Madras

1. Special Investigation Circle 'A', Madras.
2. Special Investigation Circle 'B', Madras.
3. Central Circles I to XVII, Madras.
4. Special Investigation Circle I, Madras.
5. Special Investigation Circle II, Madras.
6. Cuddalore Circle (all Sections).
7. Pondicherry Circle (all Sections).

This notification shall come into force on the 1st May, 1970.

Explanatory Note

The amendment has become necessary on account of creation of a new Income-tax Circle to be known as 'Special Investigation Circle II' with headquarters at Madras.

(The above note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 57 (F. No. 261/2/70-ITJ).]

Y. SINGH, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड**आयकर**

नई दिल्ली, 23 अप्रैल, 1970

एन० ओ० 2911—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड अपनी अधिसूचना सं० 53-आय-कर तारीख, 27 मई, 1969 से सलग्न अनुसूची में एतद्वारा निम्नलिखित संशोधन करता है, अर्थात् :—

उक्त अनुसूची में ख रेंज, मद्रास के सामने स्तंभ 2 के नीचे निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

- | | |
|----------------|----------------------------------------|
| ख—रेंज, मद्रास | 1 विशेष अन्वेषण सर्किल, 'क' मद्रास |
| | 2 विशेष अन्वेषण सर्किल, 'ख' मद्रास |
| | 3 केन्द्रीय सर्किल, 1 से 17 तक, मद्रास |
| | 4 विशेष अन्वेषण सर्किल 1, मद्रास |
| | 5 विशेष अन्वेषण सर्किल, 2, मद्रास |
| | 6 कुड्डलोर सर्किल (सभी अनुभाग) |
| | 7 पाडिचेरी सर्किल (सभी अनुभाग) |

यह अधिसूचना 1 मई, 1970 को प्रवृत्त होगी ।

स्प टीकरण टिप्पण

यह संशोधन एक नए आय-कर सर्किल, जिसे 'विशेष अन्वेषण सर्किल', 2 कहा जाएगा, सृजन के कारण हुआ है, जिसका मुख्यालय मद्रास में होगा ।

(उपयुक्त टिप्पण अधिसूचना का भाग नहीं है बल्कि इसका आशय केवल स्पष्टीकरण करना मात्र है) ।

[सं० 57/फा० सं० 261/2/70-आई टी० जे०]

वाई सिंह, अवसर सचिव ।

INCOME-TAX

New Delhi, the 16th June 1970

S.O. 2912.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its notification No. 20(F. No. 59/1,62-IT) dated the

30th April, 1963 published as S.O. 1293 on Page 1454—1457 of the Gazette of India Part II, Section 3, Sub-section (1) dated the 11th May, 1963 as amended from time to time;

I. Existing entries under columns (1), (2) and (3) against S. No. 2 shall be Substituted by the following entries:—

Income-tax Commissioners	Headquarters	Jurisdiction
1	2	3
2. Andhra Pradesh-I	Hyderabad	1. Circle III, Hyderabad. 2. Company Circle, Hyderabad. 3. Salary Circle, Hyderabad. 4. Srikakulam. 5. Bobbili. 6. Vizianagaram. 7. Visakhapatnam. 8. Anakapalle. 9. Rajahmundry. 10. Amalapuram. 11. Circle I, Kakinada. 12. Circle II, Kakinada. 13. Eluru. 14. Tanuku. 15. Palacole. 16. Vijayawada. 17. Machilipatnam. 18. Gudiwada. 19. Tax Recovery Office, Hyderabad. 20. Tax Recovery Office, Vijayawada. 21. Estate Duty-cum-Income-tax - Circle Hyderabad. 22. Estate Duty-cum-Income-tax Circle, Kakinada. 23. Estate Duty-cum Income-tax Circle, Guntur.

This notification shall take effect from 18-5-1970.

[No. 103/F.No. 187/3/70-I.T.(AI)]

S. N. SHENDE, Under Secy.

आय-कर

नई दिल्ली, 16 जून, 1970

एन०सी० 2912.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड समय-समय पर यथासंशोधित भारत के राजपत्र, तारीख 11 मई, 1963, भाग 2, खंड 3, उपखंड (II) के 1454—1457 पृष्ठों पर का०आ० 1293 के रूप में प्रकाशित अपनी अधिसूचना सं० 20 (फा०सं० 55/1/62—आई टी) तारीख 30, अप्रैल, 1963 से संलग्न अनुसूची में एतद्द्वारा निम्नलिखित संशोधन करता है :

1. क्रम सं० 2 के सामने स्तंभ (1), (2) और (3) के अन्तर्गत विद्यमान प्रविष्टियां निम्नलिखित प्रविष्टियों द्वारा प्रतिस्थापित की जाएंगी।

आय-कर आयुक्त	मुख्यालय	अधिकारिता
1	2	3
2. आंध्र प्रदेश-1	हैदराबाद	1. सर्किल III, हैदराबाद 2. कम्पनी सर्किल, हैदराबाद 3. बेतन सर्किल, हैदराबाद 4. श्रीकाकुलम 5. बोम्बोली 6. विजयनगरम 7. विशाखापत्तनम 8. अनाकपल्ली 9. राजामुद्री 10. अमालापुरम 11. सर्किल I, काकीनाडा 12. सर्किल II, काकीनाडा 13. एलूरु 14. तानुकु 15. तालाकोल 16. विजयवाड़ा 17. मछलीपत्तनम 18. गुडीवाड़ा] 19. कर वसूली कार्यालय, हैदराबाद। 20. कर वसूली कार्यालय, विजयवाड़ा। 21. सम्पदा शुल्क एवं आय-कर सर्किल, हैदराबाद। 22. सम्पदा शुल्क एवं आय-कर सर्किल, काकीनाडा। 23. सम्पदा शुल्क एवं आय-कर सर्किल, गुन्टूर।

यह अधिसूचना 18-5-1970 से प्रवृत्त होगी।

[सं० 103/फा० सं० 187/3/70-आईटी(ए1)]

एस० एन० शेडे, अवर सचिव।

OFFICE OF THE COMMISSIONER OF INCOME-TAX, ORISSA*Bhubaneswar, the 5th June 1970*

S.O. 2913.—Due to typographical mistake, the designation of the Income-tax Officer was not correctly mentioned in column (4) of the Schedule to the Commissioner of Income-tax's notification No. Adm. 1-T. XIII-2/69 dated 8th April, 1970. The correct designation of the Income-tax Officer should be Income-tax Officer, Ward-A, Cuttack.

[No. Adm. I.T. XIII-2/69.]

B. S. NADKARNI, Commissioner.

आयकर आयुक्त का कार्यालय, उड़ीसा*भुवनेश्वर, 5 जून, 1970*

एस० ओ० 2913—टाइप की अशुद्धि के कारण आयकर आयुक्त की अधिसूचना सं० प्रशा० आई० टी० XIII-2/69 दिनांक 8-4-70 की अनुसूची के स्तम्भ (4) में आयकर अधिकारी का पदनाम शुद्ध रूप से उल्लिखित नहीं हुआ। उक्त आयकर अधिकारी, के पदनाम का शुद्ध रूप आयकर अधिकारी बार्ड-ए, कटक होना चाहिये।

[सं० प्रशा० आई० टी० XIII-2/69]

बी० एस० नादकारनी, आयुक्त भुवनेश्वर।

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT**(Department of Works, Housing and Urban Development)***New Delhi, the 10th August 1970*

S.O. 2914.—Whereas the Central Government has proposed to make modifications in the Master Plan for Delhi as regards the following areas:—

- (1) Land at the junction of Lodhi Road and Kitchlew Marg;
- (2) Land near Roshanara Garden

the proposed modifications have been published as notice [No. S.O. 3073, dated the 15th October, 1966, at page 2901 of the Gazette of India, Part II—Section 3—Sub-Section (ii) dated the 15th October, 1966] as required by sub-section (3) of section 11A of the Delhi Development Act, 1957 (61 of 1957) inviting objections and suggestions;

And whereas the Central Government has already approved the change in land use in respect of item (1) vide notification No. 21017(29)/66-UD dated the 14th June, 1967;

And whereas the Central Government, at the time of issue of the aforesaid notification dated the 14th June, 1967, had not considered the objections and suggestions with regard to item (2) and had, until such consideration, deferred its decision with respect to that area;

And whereas the Central Government has now considered the objections and suggestions with regard to the area mentioned in item (2), that is to say, land near Roshanara Garden;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11A of the said Act and in continuation of the aforesaid notification dated the 14th June, 1967, the Central Government hereby makes the following modification in the said Master Plan for Delhi, namely:—

Land situated near Roshanara Garden Sabzimandi, Delhi which is, according to the Master Plan for Delhi earmarked for 'retail business and

recreational' may be changed to 'institutional' for locating a Government school.

[Case No. 21017(27)/66-UDI.]

L. M. SUKHWANI, Under Secy.

स्वास्थ्य और परिवार नियोजन तथा निर्माण आवास और नगर-विकास मंत्रालय

(निर्माण, आवास और नगर-विकास विभाग)

नई दिल्ली, 10 अगस्त, 1970

एस० ओ० 2914.—यतः केन्द्रीय सरकार ने निम्नलिखित क्षेत्रों के सम्बन्ध में दिल्ली की वृहत योजना में संशोधन करने का प्रस्ताव किया है :—

- (1) लोधी रोड और किचनू मार्ग चौराहे की भूमि ;
- (2) रोशनारा गार्डन के निकट भूमि ;

प्रस्तावित संशोधनों को [भारत सरकार के दिनांक 15 अक्टूबर 1966 के राजपत्र संख्या सं० आ० 3073 के भाग-II, खंड 3—उप-खंड (ii) के दृष्ट संख्या 2901 पर] नोटिस के रूप में प्रकाशित करके आपत्तियाँ और सुझाव आमंत्रित किये गये हैं, जैसे कि दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 11-ए की उप-धारा (3) द्वारा अपेक्षित है ;

और यतः केन्द्रीय सरकार ने मद (1) के संबंध में दिनांक 14 जून, 1967 की अधिसूचना संख्या 21017(29)/66-यू०डी० के द्वारा भूमि के उपयोग में परिवर्तन पहले ही अनुमोदित कर दिया है ;

और यतः केन्द्रीय सरकार ने दिनांक 14 जून, 1967 की उक्त अधिसूचना को जारी करते समय, मद (2) के संबंध में आपत्तियों और सुझावों पर विचार नहीं किया था तथा इस पर विचार होने तक उस क्षेत्र के संबंध में निर्णय स्थगित कर दिया था ;

और यतः केन्द्रीय सरकार ने मद (2) में उल्लिखित क्षेत्र, अर्थात् रोशनारा गार्डन के समीप की भूमि के संबंध में आपत्तियों और सुझावों पर अब विचार कर लिया है ;

अतएव, अब, उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 14 जून, 1967 की पूर्वोक्त अधिसूचना के अनुक्रम में, केन्द्रीय सरकार एतद्वारा दिल्ली की उक्त वृहत योजना में निम्नलिखित संशोधन करती है, नामशः—

रोशनारा गार्डन, सब्जी मंडी, दिल्ली के निकट स्थित भूमि, जो दिल्ली की वृहत योजना के अनुसार "परचून व्यापार और मनोरंजन" के लिये उद्दिष्ट है, को सरकारी विद्यालय स्थापित करने के लिये "सांस्थानिक" प्रयोग के लिये परिवर्तित किया जाए।

[केस नं० 21017(27)/66-यू०डी I]

एल० एम० मुखर्जी, अव्वर सचिव।

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 25th July 1970

S.O. 2915.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 80 of the Punjab Reorganisation Act, 1966 (31 of 1966); the Central Government, in consultation with the successor States and the State of

Rajasthan, hereby appoints the Chief Engineers (Irrigation) of Punjab, Haryana and Rajasthan; Members Technical, State Electricity Boards of Punjab, Haryana and Rajasthan; Chief Engineers of Beas Sutlej Link and Beas Dam Project and Chief Engineer, Electrical Works, Beas Project, as members of the Beas Construction Board constituted by the notification of the Government of India in the Ministry of Irrigation and Power No. S.O. 3507, dated the 1st October, 1967, and directs that the following further amendment shall be made in the notification aforesaid, namely:—

In the said notification, after item (14), the following shall be inserted, namely:—

- “(15) The Chief Engineers (Irrigation) of Punjab, Haryana and Rajasthan.
- (16) Members Technical, State Electricity Boards of Punjab, Haryana and Rajasthan.
- (17) Chief Engineers of Beas Sutlej Link and Beas Dam Project.
- (18) Chief Engineer, Electrical Works, Beas Project.”

[No. 17/57/70-B&B.]

S. L. CHATTERJI, Under Secy.

सिंचाई और विद्युत मंत्रालय

नई दिल्ली, 25 जुलाई, 1970

का० आ० 2913.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधारा (2) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उत्तरवर्ती राज्यों और राजस्थान राज्य में परामर्श करके, मुख्य इंजीनियर (सिंचाई) पंजाब, हरियाणा और राजस्थान तकनीकी सदस्य, राज्य विद्युत बोर्ड, पंजाब, हरियाणा और राजस्थान, मुख्य इंजीनियर व्यास सतलज लिंक और व्यास बांध परियोजना और मुख्य इंजीनियर विद्युत संकर्म, व्यास परियोजना को एतद्वारा भारत सरकार के सिंचाई और विद्युत मंत्रालय की अधिसूचना सं० का० आ० 3507 तारीख, प्रथम अक्तूबर, 1967 द्वारा गठित व्यास सन्निगर्ण बोर्ड के सदस्यों के रूप में नियुक्त करती है और निदेश देती है कि पूर्वोक्त अधिसूचना में और आगे निम्नलिखित संशोधन किया जाएगा, अर्थात् :

उक्त अधिसूचना में, मद (14) के पश्चात निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

- “(15) मुख्य इंजीनियर (सिंचाई) पंजाब, हरियाणा और राजस्थान ।
- (16) तकनीकी सदस्य, राज्य विद्युत बोर्ड, पंजाब, हरियाणा और राजस्थान
- (17) मुख्य इंजीनियर, व्यास, सतलज लिंक और व्यास बांध परियोजना ।
- (18) मुख्य इंजीनियर, विद्युत संकर्म व्यास परियोजना ।”

[संख्या 17/57/70-बी और बी]

एम० एल० चटर्जी, अवर सचिव ।

New Delhi, the 19th August 1970

S.O. 2916.—In pursuance of the provision of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Central Water and Power Research Station, Poona, Allotment of Residences Rules, 1965, contained in Part VIII, Division XXVI-V, of the Supplementary Rules issued with the Government of India Finance Department letter No. 104 C.S.R. dated the 4th February, 1922, namely:—

1. (i) These rules may be called the Central Water and Power Research Station, Poona, Allotment of Residences (Amendment) Rules, 1970.
2. (2) They shall come into force on the date of their publication in the Official Gazette. In the Central Water and Power Research Station, Poona, Allotment of Residences Rules, 1965 (contained in part VIII-Division XXVI-V of the

Supplementary Rules), for the word "rent" wherever it occurs the words "licence fee", shall be substituted.

[No. F. 36(21)/61-Policy.]

P. R. BOSE, Under Secy.

नई दिल्ली, 19 अगस्त, 1970

का०आ० 2916.—सौलिक नियमों के नियम 45 के उपबन्धों का अनुसरण करने हुये राष्ट्र-पति एतद्वारा भारत सरकार, वित्त विभाग पत्र सं० 104 सी०एम०आर०, तारीख 4 फरवरी, 1922 के साथ जारी कि ये गये अनुपूर्वक नियमों के भाग 8, प्रभाग 26-5 में अन्तर्विष्ट केन्द्रीय जल और विद्युत अनुसंधानशाला, पूना, आवास आवंटन नियम, 1965 और आगे संशोधन करने के लिये निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) ये नियम केन्द्रीय जल और विद्युत अनुसंधानशाला, पूना आवास आवंटन (संशोधन) नियम, 1970 कहे जा सकेंगे।

(2) ये शासकीय राजपत्र में अपने प्रकाशन की तारीख को लागू होंगे।

2. केन्द्रीय जल और विद्युत अनुसंधानशाला, पूना, आवास आवंटन नियम, 1965 (जो अनुपूर्वक नियमों के भाग 8-प्रभाग में अन्तर्विष्ट है) में 'भाटक' शब्द जहाँ कहीं भी आता है, के स्थान पर 'अनुज्ञापित फीस' शब्द प्रतिस्थापित किए जाएंगे।

[म० एफ० 36(21)/61-नीति]

पी० आर० बोस, अव्वर सचिव।

MINISTRY OF FOREIGN TRADE

New Delhi, the 19th August 1970

S.O. 2917.—In pursuance of rule 7 of the Export of Ceramic Products (Inspection) Rules 1969, the Central Government hereby makes the following amendments in the notification of the Government of India, in the late Ministry of Foreign Trade and Supply S.O. 2600, dated the 27th June 1969, namely:—

In the said notification in the table:—

(i) for item 4 of the entry under column 2, against serial No. 3, "Export Inspection Agency-Madras and Cochin" in column 1, the following item shall be substituted, namely:—

"4. The Branch Manager (Ex-officio), State Trading Corporation of India Ltd., 123, Mount Road, Madras-6."

(ii) for item 6 of the entry under column 2, against serial No. 3 "Export Inspection Agency-Madras and Cochin" in column 1, the following item shall be substituted, namely:—

"6. Deputy Director (Ex-officio), Export Inspection Agency-Madras, 123, Mount Road, Madras-6—Convener".

[No. 60(52)/Exp. Insp./68.]

N. K. B. BHATNAGAR, Dy. Director (Export Promotion)

विदेश व्यापार मंत्रालय

नई दिल्ली, 19 अगस्त, 1970

का० आ० 2917—चीनी मिट्टी के उपादों का निर्यात (निरीक्षण) नियम, 1969 के नियम 7 के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत सरकार के भूतपूर्व विदेशी व्यापार तथा आपत्ति

मंत्रालय को अधिसूचना सं० 2600 तारीख 27 जून, 1967 में निम्नलिखित सशोधन करती है ,
अर्थात् :—

उक्त अधिसूचना में सारणी में :—

- (i) क्रम संख्या 3 के सामन स्तम्भ 2 के अंतर्गत प्रविष्टि की मद 4 “निर्यात निरीक्षण अभिकरण—मद्रास और कांचीव” के स्थान पर स्तंभ 1 में निम्नलिखित मद प्रतिस्थापित की जायगी, अर्थात् :—

“शास्त्रा प्रबंधक (पदेन), भारत का राज्य व्यापार निगम लिमिटेड, 123, माउंट रोड , मद्रास—6”

- (ii) क्रम संख्या 3 के सामने स्तंभ 2 के अंतर्गत प्रविष्टि की मद 6 “निर्यात निरीक्षण अभिकरण—मद्रास और कांचीव” के स्थान पर स्तंभ 1 में निम्नलिखित मद प्रतिस्थापित की जायगी, अर्थात् :—

“उप-निदेशक (पदेन), निर्यात निरीक्षण अभिकरण — मद्रास 123 माउंट रोड, मद्रास—6 संयोजक”

[सं० 60 (52)/एक.पि० इन्सपे० 168]

एम० के० बी० भट्टागर,

उप निदेशक (निर्यात संवर्धन) ।

CARDAMOM CONTROL

New Delhi, the 22nd August 1970

S.O. 2918.—Dr. K. T. Jacob, Chairman, Cardamom Board, Ernakulam, is granted refused leave for the period from 31st July, 1969 to 30th September, 1969

[No. F. 29(25)Plant(B)/69.]

P. G. SALVI, Under Secy.

(इलायची नियंत्रण)

नई दिल्ली, 22 अगस्त, 1970

क्र०आ० 2918.—इलायची बोर्ड, एर्नाकुलम् के अध्यक्ष डा० के० टी० जेकरब को, 31 जुलाई, 1969 से 30 सितम्बर, 1969 तक की अवधि के लिये, अस्थायी छुट्टी मंजूर की जाती है ।

[सं० फ० 29 (25) प्ला (बी)/99.]

पी० जी० सालवी, अवर सचिव ।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 6th July 1970

S.O. 2919.—M/s. The Fort William Co. Ltd., Calcutta, 1, were granted Emergency Import Licence No. P/D/2177665, dated 12th February, 1970, from G.C.A. for import of spare parts valued at Rs. 10,000. They have requested for the issue of duplicates. Exchange Control copy of the licence on the ground that the original Exchange Control Copy of the licence has been lost by them. It has been

further reported by the licensee that the licence was not utilised at all. The licence has not been registered with any custom office.

2. In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the original Exchange Control Copy of the licence No. P/D/2177665, dated 12th February, 1970, has been lost and directs that a duplicate Exchange Control Copy of the said licence should be issued to them. The original Exchange Control Copy is cancelled.

The duplicate customs copy is being issued separately.

[No. WR/i-D/69-70/RML.]

H. R. MOHSINI,

Dy. Chief Controller of Imports and Exports.
for Chief Controller of Imports and Exports.

(मुख्य नियंत्रक आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 6 जुलाई, 1970

एस० ओ० 2919.—सर्वश्री दि फोर्ट विलियम कम्पनी लि०, कलकत्ता-1 को 10,000 रुपये के लिए फालतू पुर्जों को जी० सी० ए० से आयात करने के लिए लाइसेंस सं० पी।डी/2177665 दिनांक 12-2-70 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की मुद्रा नियंत्रण प्रति की अनुलिपि प्रति के लिए आवेदन किया है, इसके लिए यह आधार प्रस्तुत किया है कि लाइसेंस की मूल मुद्रा नियंत्रण प्रति उनके द्वारा खो गई है। आगे लाइसेंसधारी द्वारा यह कह गया है कि लाइसेंस का बिल्कुल ही उपयोग नहीं किया गया था। लाइसेंस किसी भी सम्बन्धी कार्यालय में पंजीकृत नहीं किया गया है।

2. आवेदक ने अपने तर्क के प्रमाण में एक शपथ-पत्र जमा किया है। मैं इस बात से सन्तुष्ट हूँ कि लाइसेंस सं० पी।डी।2177665, दिनांक 12-2-70 की मूल मुद्रा नियंत्रण प्रति खो गई है और उनको उपर्युक्त लाइसेंस की मुद्रा नियंत्रण प्रति की अनुलिपि जारी की जानी चाहिए। मूल मुद्रा नियंत्रण प्रति को रद्द किया जाता है।

सीमा-शुल्क प्रति की अनुलिपि अलग से जारी की जा रही है।

[सं० डब्लू० आर०/एक:-डी/69-70/आर०एम०-1]

एच आर० मोहसिनी,

उप-मुख्य नियंत्रक, आयात-निर्यात,
वास्तव मुख्य नियंत्रक, आयात-निर्यात।

Office of the Chief Controller of Imports and Exports

ORDER

New Delhi, the 6th July, 1970

S.O. 2920.—M/s. Sandoz India Ltd., Bombay 18 W.B. were granted I/L No. P/D/2164434 dated 12th July 1968 from U.S.A. for the import of raw materials valued Rs. 316,100. They have requested for the issue of duplicate Customs copy of the said licence on the ground that the original copy of the licence has been lost/misplaced after utilising Rs. 196,206. The licence has been registered with Collector of Customs, Bombay.

2. In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Customs copy of the licence No. P/D/

2164434 dated 12th July, 1968 has been lost and directs that duplicate copy of the licence should be issued to them. The original Customs copy is cancelled.

3. The duplicate Customs copy of the licence is being issued separately.

[No. CH/640-641/S-1-2(16)/A-M68/RM3.]

G. S. SHARMA,

Dy. Chief Controller of Imports & Exports.

(मुख्य नियंत्रक आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 8 जुलाई, 1970

एस०ओ० 2920.—सर्व श्री सन्दोज एन्डिया लिमिटेड, बम्बई 18 डब्लू बी० को संयुक्त राज्य अमरीका से 316,100 रुपये कीमत तक के कच्चे माल के आयात के लिए आई/एल संख्या पी/डी/2164434, दिनांक 12-7-68 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि सीमा-शुल्क प्रति जारी करने के लिए अनुरोध किया है, इसके लिए उन्होंने यह आधार दिया है कि 196,206 रुपये तक उपयोग करने के बाद उनके लाइसेंस की मूल प्रति खोई गई है/गलत जगह में रख दी गई है। सीमा-शुल्क समाहर्ता, बम्बई ने लाइसेंस पंजीकृत किया था।

2. आवेदक ने अपने तर्कों के प्रमाण के लिए एक शपथ-पत्र जमा किया है। अधोहस्ताक्षरी इस बात से आश्वस्त है कि लाइसेंस संख्या पी/डी/2164434, दिनांक 12-7-68 की मूल प्रति खो गई है और आदेश है कि उनको लाइसेंस की अनुलिपि प्रति जारी की जानी चाहिए। मूल सीमा-शुल्क प्रति रद्द की जाती है।

3. लाइसेंस की अनुलिपि सीमा-शुल्क प्रति अलग से जारी की जा रही है।

[संख्या सी एच/640-641/एस-1-2(16)/ए-एम 68/आर एम 3]

जी० एम० शर्मा,

उप मुख्य नियंत्रक, आयात निर्यात।

(Office of the Joint Chief Controller of Imports and Exports)

ORDER

Bombay the 21st July 1970

SUBJECT.—Cancellation of Licence No. P/KLM/2598866 dated 24th October 1969 & No. P/KLM/2598539 dated 20th October 1969—Exchange Control copies—issued to M/s. Madhowji Thakersey Sons and Co., Bombay-1.

S.O. 2921.—M/s. Madhowji Thakersey Sons & Co., Prospect Chambers, D. N. Road, Bombay-1 have been granted licence No. P/KLM/2598866 dated 24th October 1969 and 2598539 dated 20th October 1969 for Rs. 189 and Rs. 4488 respectively for import of Dyes and Chemicals permissible varieties etc. They have applied for duplicate copies of the said licences on the ground that the original exchange control copy is lost.

It is further stated that the original licence have been registered with the Customs and the Licence No. P/KLM/2598539 dated 20th October 1969 has been utilised to the extent of Rs. 450 leaving a balance of Rs. 4038. Licence No. P/KLM/2598866 dated 24th October 1969 has not been utilised.

In support of their claim, applicant have filed an affidavit. I am satisfied that original copy of Exchange Control copy of licence No. 2598866 dated 24th October 1969 and 2598539 dated 20th October 1969 have been lost and direct that the duplicate copy of the licences should be issued to the applicant firm.

The original licence (exchange control copies) is cancelled.

[No. 190/83353/AJ.69/L/EPSC. I.B.]

D. D'SOUZA,

Dy. Jt. Chief Controller of Imps. & Exps.,
for Jt. Chief Controller of Imports and Exports.

(संयुक्त मुख्य नियंत्रण आयात-निर्यात का कार्यालय)

आदेश

बम्बई, 21 जुलाई, 1970

विषय : सर्वश्री माधोजी ठकरसे सन्ज एण्ड कम्पनी, बम्बई-1 को जारी किए गए लाइसेंस सं० पी/के एल एम/2598866 दिनांक 24-10-69 और संख्या पी/के एल एम/2598539 दिनांक 20-10-69 की मुद्रा नियंत्रण प्रतियों को रद्द करना।

एस० ओ० 2921.—सर्वश्री माधोजी ठकरसे सन्ज एण्ड कम्पनी प्रास्पेक्ट चैम्बर डी० एन० रोड बम्बई-1 को स्वीकृत अनेक किरमों के रंग तथा रसायन के आयात आदि के लिए 169 रुपये तथा 4488 रुपये के लिए क्रमशः लाइसेंस सं० पी/के एल एम/2598866 दिनांक 24-10-69 तथा 2598539 दिनांक 20-10-69 स्वीकृत किए गये थे। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि प्रतियां जारी करने के लिए आवेदन किया है इस आधार पर कि मूल मुद्रा नियंत्रण प्रति खो गई है।

उन्होंने आगे यह कहा है कि मूल लाइसेंस सीमा-शुल्क कार्यालय में पंजीकृत किया गया है तथा लाइसेंस सं० पी/के एल एम/2598539, दिनांक 20-10-69 का 450 रुपये तक उपयोग कर लिया गया है और 4038 रुपये शेष रह गए हैं तथा लाइसेंस संख्या पी/के एल एम/2598866 दिनांक 24-10-1969 का उपयोग नहीं किया गया है।

अपने तर्क के समर्थन में, आवेदक ने एक शपथ-पत्र जमा किया है। मैं संतुष्ट हूं कि लाइसेंस सं० 2598866, दिनांक 24-10-69 तथा लाइसेंस सं० 2598539, दिनांक 20-10-69 की मूल मुद्रा नियंत्रण प्रतियां खो गई हैं तथा निदेश देता हूं कि आवेदक फर्म का लाइसेंस की अनुलिपि प्रतियां जारी की जानी चाहिए।

मूल लाइसेंस (मुद्रा नियंत्रण प्रतियां) रद्द किया जाता है ?

सं० 190/83353/एजे-69/एल/ई पी एस सी० आई बी०—

डी० डि'सूजा,

उप-मुख्य नियंत्रक, आयात-निर्यात

वास्तो संयुक्त मुख्य नियंत्रक आयात-निर्यात।

MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE

(Department of Industrial Development)





(Indian Standards Institution)

New Delhi, the 3rd August 1970

S.O.2922.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard design(s) of which together with the verbal description of the design(s) and the title(s) of the Mark(s) relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each:—

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1.		Light magnesium carbonate for rubber industry.	IS: 1420-1959 Specification for light magnesium carbonate for rubber industry.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 July 1970.
2.		Magnesium carbonate for cosmetic industry.	IS: 2528-1963 Specification for magnesium carbonate for cosmetic industry.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	Immediate
3.		Pencil slats	IS: 3084-1965 Specification for pencil slats.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 June 1970.
					

औद्योगिक विकास तथा आंतरिक व्यापार का मंत्रालय

(औद्योगिक विकास विभाग)


(भारतीय मानक संस्था)

नई दिल्ली, 3 अगस्त, 1970

एस0 ओ0 2922—भारतीय मानक संस्था (प्रमाणन चिन्ह) नियम, 1955 के नियम 4 के उपनियम (1) के अनुसार भारतीय मानक संस्था सूचित करती है कि प्रमाणन चिन्ह जिनकी डिजाइन और शाब्दिक वर्णन तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए हैं, भा० मा० संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिन्ह) अधिनियम, 1952 और उसके अधीन बने नियमों और विनियमों के निमित्त ये प्रमाणन चिन्ह उनके आगे लिखी तिथियों से लागू हो जाएंगी।

अनुसूची

क्रम संख्या	प्रमाणन चिन्ह की डिजाइन	उत्पाद/उत्पाद का वर्ग	सम्बद्ध भारतीय मानक की संख्या और शीर्षक	प्रमाणन चिन्ह की डिजाइन का शाब्दिक विवरण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.		रबड़ उद्योग के लिए हल्का मैगनीशियम कार्बोनेट ।	S: 1420-1959 रबड़ उद्योग के लिये हल्के मैगनी- शियम कार्बोनेट की विशिष्टि ।	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम	16 जुलाई 1970

के ऊपर की ओर भारतीय मानक की पद संख्या दी हुई है।

तुरन्त

2.



शृंगार प्रसाधन उद्योग के लिए मैंगनीशियम कार्बोनेट।

IS: 2528-1963 शृंगार प्रसाधन उद्योग के लिए मैंगनीशियम कार्बोनेट की विशिष्ट।

भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई जैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या दी हुई है।

3.



पेंसिल की बतियां (स्लैट)

IS: 3084-1965 पेंसिल की बतियां (स्लैट) की विशिष्ट।

भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई जैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या दी हुई है।


1 जन, 1970

[सं० सी० एम० डी० 13:9]

S.O. 2923—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 16th July, 1970.


THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
I.		Extruded aluminium butt hinges.	IS: 205-1966 Specification for non-ferrous metal butt hinges (<i>second revision</i>)	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

एस० आ० 2923.—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के नियम 4 के उपनियम (1) के अनुसार भारतीय मानक संस्था की ओर से सूचना दी जाती है कि प्रमाणन चिह्न जिसकी डिजाइन और आबद्धिक वर्णन तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिया है आ०मा० संस्था द्वारा निर्धारित किया गया है।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों और विनियमों के निमित्त यह प्रमाणन चिह्न 16 16 जुलाई 1970 से लागू हो जाएगा।

अ.सूची

क्रम संख्या	प्रमाणन चिह्न की डिजाइन	उत्पाद/उत्पादन का वर्ग	सम्बद्ध भारतीय मानक की संख्या और शीर्षक	प्रमाणन चिह्न डिजाइन का आबद्धिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		एक्सट्रूडेड एत्युमिनियम के सटे कब्जे	IS: 205-1966 अलोहस धातु के सटे कब्जों की विनिष्टि (दूसरा पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी हुई है।


[संख्या सी एम डी/13:9]

New Delhi, the 20th August 1970

S.O. 2924.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant, Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1 July 1970.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
		Rotary shaft oil seal units.	IS: 5129-1969 Specification for rotary shaft oil seal units (related dimensions).	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.


[No. CMD/13:9]

नई दिल्ली, 20 अगस्त, 1970

एस० ओ० 2924—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के नियम 4 के उपनियम (II) के अनुसार भारतीय मानक संस्था की ओर से सूचना दी जाती है कि प्रमाणन चिह्न जिसकी डिजाइन और शाब्दिक तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए हैं, भा० मा० संस्था द्वारा निर्धारित किया गया है।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त यह प्रमाणन चिह्न 1 जुलाई, 1970 से लागू हो जाएगा।

अनुसूची

क्रम संख्या	प्रमाणन चिह्न की डिजाइन	उत्पाद/उत्पादन का वर्ग	सम्बद्ध भारतीय मानक की संख्या और शीर्षक	प्रमाणन चिह्न की डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		घूमने वाले शाफ्ट के लिए तेल-सील की इकाइयां।	IS:5129-1969 घूमने वाले शाफ्ट के लिए तेल-सील इकाइयों की विशिष्टि।	भारतीय मानक संस्था का मोनोग्राम जिसमें I.S.I. शब्द होते हैं स्तम्भ (2) में दिखाई गैली और अनुपात में तैयार किया गया है और जैसा दिखाया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी हुई है।

[संख्या सी एम डी/13:9]

S.O. 2925.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 16 July 1970:

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.	IS: 579	Sole Leather	IS: 579-1962 Specification for sole leather (<i>revised</i>).	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13:9]

एस०ओ० 2925.—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के नियम 4 उपनियम (II) के अनुसार भारतीय मानक संस्था की ओर से सूचना दी जाती है कि प्रमाणन चिह्न जिसकी डिजाइन और शब्दिक वणन तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए हैं, भा०मा० संस्था द्वारा निर्धारित किया गया है।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों और विनियमों के निमित्त यह प्रमाणन चिह्न 6 जुलाई 1970 से लागू हो जाएगा।

अनुसूची

क्रम संख्या	प्रमाणन चिह्न की डिजाइन	उत्पाद/उत्पादन का वर्ग	सम्बद्ध भारतीय मानक की संख्या और शीर्षक	प्रमाणन चिह्न की डिजाइन का शब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1	IS : 579	तले का चमड़ा	IS : 579-1962 तले के चमड़े की विशिष्टि (पुनरीक्षित)	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनो ग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी हुई है।

[संख्या सी एम डी/13:9]

S.O. 2926.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for sole leather, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 16 July 1970:

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Sole leather	IS: 579-1962 Specification for sole leather (<i>revised</i>)	One kg.	One paisa.

[No. CMD/13:10]

एस० नो० 2926.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 7 के उपविनियम (3) के अनुसरणार्थ भारतीय मानक संस्था की ओर से सूचित किया जाता है कि एक्सट्रूडेड एल्युमिनियम के सटे कब्जों की प्रति इकाई मुहरांकन फीस जिसके व्यौर नीचे अनुसूची में दिए हैं निर्धारित की गई है और यह फीस 16 जुलाई, 1970 से लागू हो जाएगा।

अनुसूची

क्रम संख्या	उत्पाद/उत्पादन का वर्ग	सम्बद्ध भारतीय मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)
1	तले का चमड़ा	IS: 579-1962 तले के चमड़े की विशिष्टि	एक कि० ग्रा०	एक पैमा

[संख्या सी एम डी/13:10]

S.O. 2927—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for rotary shaft oil seal units, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 July 1970:

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Rotary shaft oil seal units	IS: 5129-1969 Specification for rotary shaft oil seal units (related dimensions)	One oil seal	0.5 paise

[No. CMD /13:10]

A. K. GUPTA,
Deputy Director General.

एस्० ओ० 2927.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 7 के उपविनियम (3) के अनुसरणार्थ भारतीय मानक संस्था की ओर से सूचित किया जाता है कि घूमने वाले शाफ्ट के लिए तेल-सील इकाइयों की मुहरांकन फीस जिसके व्यौरे नीचे अनुसूची में दिए हैं निर्धारित की गई है और यह फीस 1 जुलाई 1970 से लागू हो जाएगी।

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद का वर्ग	सम्बद्ध भारतीय मानक संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)
1.	घूमने वाले शाफ्ट के लिए तेल सील इकाइयां	IS: 5129-129 घूमने वाले शाफ्ट के लिए तेल सील इकाइयों की विशिष्ट (सम्बन्धित माप)	एक तेल-सील	0 5 पैसे

[संख्या सी एम डी/13:10]

ए० के० गुप्ता,

उपमहानिदेशक ।

(Department of Industrial Development)

ORDER

New Delhi, the 25th July 1970

S.O. 2928/IDRA/6/5/70.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), read with rules 5 and 8 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints, till 5th November, 1971, Shri I. G. Jhingran, Deputy Secretary, Ministry of Petroleum and Chemicals and Mines and Metals (Department of Chemicals), in place of Shri M. N. Kale, Deputy Secretary, Ministry of Petroleum and Chemicals and Mines and Metals (Department of Chemicals), as a member of the Development Council, established by Order of the Government of India in the erstwhile Ministry of Industrial Development, Internal Trade and Company Affairs (Department of Industrial Development), No. IDRA/6/4/69, dated the 6th November, 1969, for the scheduled industries engaged in the manufacture or production of Inorganic Chemicals, and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, for entry No. 24 relating to Shri M. N. Kale, Deputy Secretary, Ministry of Petroleum & Chemicals and Mines & Metals (Department of Chemicals), the following entry shall be substituted, namely:—

“24. Shri I. G. Jhingran, Deputy Secretary, Ministry of Petroleum & Chemicals and Mines & Metals (Department of Chemicals), New Delhi.”

[No. 13(15)/68-LC.]

R. C. SETHI, Under Secy.

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 25 जुलाई, 1970

एस०ओ० 2928 आई० डी आर ए/6/5/70—उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विकास परिषद् (कार्य-विधि) नियम, 1952 के नियम 5 और 8 के साथ पढ़ते हुए, केन्द्रीय सरकार एतद्द्वारा श्री आई० जी०, जिंगरन, उप-सचिव, पेट्रोलियम तथा रसायन एवं खान तथा धातु मंत्रालय (रसायन विभाग) को श्री एम० एन० काले, उप-सचिव, पेट्रोलियम तथा रसायन एवं खान तथा धातु मंत्रालय (रसायन विभाग) के स्थान पर 5 नवम्बर, 1971 तक की अवधि के लिए अकार्बनिक रसायन के निर्माण अथवा उत्पादनरत अनुसूचित उद्योगों के हेतु भारत सरकार के भूतपूर्व औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय कार्य मंत्रालय (औद्योगिक विकास) के आदेश सं० आई डी आर ए/6/4/69 दिनांक 6 नवम्बर, 1969 के द्वारा स्थापित विकास परिषद का सदस्य नियुक्त करती है और यह निदेश देती है कि उपरिलिखित आदेश में निम्नलिखित संशोधन किया जाएगा; अर्थात् —

उपरिलिखित आदेश में, श्री एम० एन० काले, उप-सचिव, पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय (रसायन विभाग) से सम्बन्धित प्रविष्टि संख्या 24 के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“श्री आई० जी० जिंगरन,

उप-सचिव, पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय,

(रसायन विभाग), नई दिल्ली।”

[सं० 13(15)]68-एल०सी]

आर० सी० सेठी, उप-सचिव,

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**(Department of Labour and Employment)***New Delhi, the 17th August 1970*

S.O. 2929—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No 2), Dhanbad, in the industrial dispute between the employers in relation to the management of Sone Valley Port Land Cement Company Limited, Lime stone Quarry, Baulia and their workmen, which was received by the Central Government on the 15th August, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT.

Shri Nandagiri Venkata Rao, Presiding Officer

REFERENCE No 2 OF 1970

In the matter of an industrial dispute under Section 10 (1)(d) of the Industrial Disputes Act, 1947

PARTIES

Employers in relation to the management of Sone Valley Port Land Cement Company Limited, Limestone Quarry, Baulia

AND

Their workmen

APPEARANCES

On behalf of the employers. Shri D Narsingh Advocate

On behalf of the workmen—Shri B Lall, Advocate

STATE Bihar

INDUSTRY Limestone Quarry.

Dhanbad 6th August, 1970/15th Bhavana, 1892 Saka

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Sone Valley Port Land Cement Company Limited, Limestone Quarry, Baulia and their workmen, by its order No 36/40/69-LR IV, dated 13th January, 1970 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below —

SCHEDULE

“Whether the dismissal of Sri Sitaram Dhangar, Beldar of Lime Stone Quarries (Baulia) of Sone Valley Portland Cement Company is proper and justified? If not, to what relief is he entitled?”

2 Employers as well as the workmen filed the statement of demands. Employers have also filed a rejoinder to the statement filed by the workmen

3 Shri Sitaram Dhangar (hereinafter referred to as the affected workman) was an employee at Lime Stone Quarry, Baulia of the employers. On the evening of 13th November 1968 he was found hanging by the neck on the company's monocabable ropeway in the premises of the quarry. The employers issued a charge sheet dated 14th November 1968 to the affected workman alleging that by so hanging he was found endangering his life and indulging in unlawful activities at mine premises and that thereby he had committed a misconduct under clause 25F of the quarries standing orders. He was also suspended pending further proceedings with immediate effect. He was called upon to submit his explanation within 2 days. The affected workman submitted his explanation on 15th November, 1968 denying the charge allegation and stating that some persons had forcibly hanged him. He further stated that at the time of the enquiry into the charge sheet a representative of Baulia Quarries Rashtriya Mazdoor Seva Sangh would conduct his defence on his behalf. On 16th November, 1968 a notice was issued by the employers to the affected workman that the enquiry into the chargesheet would be held on 18th November, 1968 at 3 P.M. at the labour

office. He was also informed by the same notice that his request for being represented at the enquiry by the union named by him was not conceded. The affected workman sent a reply to the notice stating that he was a very old member of Baulia Quarries Rashtriya Mazdoor Seva Sangh and that he shall not face any enquiry without being represented by this union. Thereafter some more notices were issued by the employers and ultimately the Labour Welfare Officer held the domestic enquiry ex-parte on 22nd November, 1968, examined 5 witnesses, found the affected workman guilty of the charge and submitted his report to the Assistant Superintendent on 26th November, 1968. The Assistant Superintendent accepted the finding of the enquiry officer and issued the letter dated 28th November, 1968 dismissing the affected workman from service with effect from 29th November, 1968. Baulia quarries Rashtriya Mazdoor Seva Sangh raised an industrial dispute by its letter dated 16th December, 1968 regarding suspension and dismissal of the affected workman before the Conciliation Officer, Dalmianagar. The conciliation having failed, the Conciliation Officer submitted his failure report to the Ministry of Labour, Employment and Rehabilitation, New Delhi on 11th September, 1969. On this the Ministry referred the dispute for adjudication to this Tribunal. These facts are not in controversy. According to the statement of the employers the affected workman attempted to commit suicide and it was a misconduct in terms of clause 25F of the certified standing orders, the domestic enquiry held against him was proper and in accordance with the principles of natural justice, the finding of the enquiry officer was correct and the affected workman was rightly dismissed by the Asstl. Superintendent having accepted the finding. The employers have raised two legal objections, viz. (1) that Baulia Quarries Rashtriya Mazdoor Seva Sangh, Baulia, which has been made a party to the reference is an unrecognised union and has no representative capacity to raise the industrial dispute and as such, the reference is bad and (2) that prior to the date of the reference no dispute had been raised with the management by or on behalf of the affected workman challenging his dismissal and for this reason also the present reference is bad in law and consequently, this tribunal has no jurisdiction to entertain it. The workmen filed their statement pleading that the affected workman was an active member of the Baulia Quarries Rashtriya Mazdoor Seva Sangh and as such, the employers dismissed him from service illegally and unjustifiably to victimise him for his trade union activities. They further pleaded that the affected workman was not allowed to participate in the enquiry, that in fact no enquiry was conducted and that the finding of the enquiry officer was perverse. The employers filed a rejoinder reiterating the pleas raised by them in their statement. They insisted through their application filed on 10th June, 1970 that the two objections raised by them should be heard and disposed of as preliminary objections. But having gone through the statements of parties and also rejoinder of the employers the tribunal held that the objection would be heard after recording the entire evidence in the case. The employers were represented by Shri D. Narisingsh, Advocate and the workmen by Shri B. Lall, Advocate. On admission by the workmen, Exts. M1 to M3 were marked for the employers. On behalf of the employers a witness was examined and Exts. M4 to M14 were marked. No witness was examined and no document was marked for the workmen.

4. On merits I do not find any force in the case set up by the employers. The affected workman was served with the charge sheet, Ext. M2 alleging that he had committed a misconduct under clause 25F of the certified standing orders by hanging by the neck in the monocabable ropeway and endangering thereby his life and thus indulging in unlawful activities at the mines premises. The affected workman submitted his explanation, Ext. M3 admitting the fact that he was found hanging by the neck in the monocabable ropeway but denying that he had tried to commit suicide. His case was that some other persons had forcibly hanged him in the monocabable ropeway for which he had complained to the police. Through Ext. M5 the affected workman had replied that he was not allowed to be represented by Baulia Quarries Rashtriya Mazdoor Seva Sangh and as such he shall not face any enquiry. There are several decisions of the Supreme Court the latest being in *Dunlop Rubber Co. Ltd. v. their workmen* (1965-1-L.J. 426) wherein it is specifically held that there is no right to representation at the disciplinary enquiry against the industrial employee unless the company has recognised such rights under the standing orders and that refusal to allow representation by any union, unless the standing orders confer that right does not vitiate the proceedings. Certified standing orders in the instant case are Ext. M1. They do not provide for any such representation. Hence, the ex-parte domestic enquiry held by the Labour Welfare Officer MW1 was proper and there is no substance in the objection raised by the workmen against the domestic enquiry.

But I cannot agree with the employers that the finding of the enquiry officer was correct. Admittedly, the enquiry officer examined 5 witnesses and out of them 3rd and 4th witnesses only found the affected workman hanging at the monocabable ropeway. These two witnesses did not speak anything new which the affected workmen had not already admitted in his explanation, Ext. M3, viz. that he was found hanging at the monocabable ropeway. The question before the enquiry officer was whether the affected workman tried to commit suicide by intentionally hanging himself by neck at the monocabable ropeway. To this extent there was absolutely no evidence. In his report the enquiry officer, MWI says "from the evidence it is clear that Sri Sita Ram Dhanger was found hanging from the ropeway at the mines premises with some ulterior motive. The way in which he had hanged himself leads me to conclude that he wanted to pose to commit suicide. I, therefore, find that Sri Sita Ram Dhanger is guilty of the misconduct under clause 25(f) of the standing orders." He further stated "as there was no evidence to prove that somebody else had hanged him, his posing to commit suicide by hanging from the ropeway and thus endangering his life, is proved which is unlawful." The enquiry officer, MWI himself should know what he means by saying that the affected workman wanted to "pose to commit suicide." Against this, it is stated in the order of dismissal, Ext. M3 that the affected workman endangered his life by hanging intentionally himself from the ropeway. There is no finding of the enquiry officer that the affected workman did any act intentionally. Nor was there any evidence to that effect. Whatever that be, the enquiry officer as well as the dismissing authority inferred that the affected workman hanged himself from the ropeway with the intention of killing himself and thereby attempted to commit suicide, but for this inference there was absolutely no material either before the enquiry officer or the dismissing authority. The inference cannot be justified on the ground that affected workman did not adduce evidence to substantiate his case that he was forcibly taken and hanged on the ropeway by some other persons. The affected workman, as an accused, did not owe any duty to anyone and no burden of proof was lying on him. Even before this tribunal no evidence is led to justify the inference. Hence, I find that the finding of the enquiry officer was baseless and perverse and the dismissal order based upon the finding cannot be upheld.

5. The first objection of the employers against the reference being bad is that Baulia Quarries Rashtriya Mazdoor Seva Sangh, Baulia which has been made a party to the reference is an unrecognised union and has no representative capacity to raise the industrial dispute. From the failure of conciliation report accompanying the order of reference it emerges that regarding suspension and dismissal of the affected workman the Baulia Quarries Rashtriya Mazdoor Seva Sangh had raised an industrial dispute before the Conciliation Officer Dahmanagar by its letter No. 277/69 dated 16th December, 1968 and a copy of the letter was sent by the Conciliation Officer to Baulia Quarries Rashtriya Mazdoor Seva Sangh, Baulia for comments. According to para 3 of the rejoinder of the employers another union, viz. Baulia Quarries Mazdoor Sangh has also been functioning among the workmen of the employers and this union alone was recognized by the employers. According to the employers Baulia Quarries Rashtriya Mazdoor Seva Sangh had a very negligible membership from among the workmen of the management. It is also pleaded by the employers that out of 1600 workmen of the employers nearly 1580 were members of the union recognised by them according to the results of the verification of membership of different unions last carried out by the officers of the Ministry of Labour and Employment of the Government of India and that to the knowledge of the employers the affected workman was a member of Baulia Quarries Mazdoor Sangh at the time of his dismissal. From these averments it emerges that there are two unions working in the colliery of the employers and some workmen of the colliery are members of the one and the others of the other, and that one of them, Baulia Quarries Rashtriya Mazdoor Seva Sangh had raised the industrial dispute in respect of the dismissal of the affected workman from his service and it is a party to the reference. Before the decision of the Supreme Court in Central Province Transport Services Ltd. v. Raghunath Gopal Patwardhan (1957-1 L.J. 27) there was a considerable conflict of Judicial dicta both in the High Courts and in the Industrial Tribunals and three different views have been expressed therein (a) a dispute between an employer and a single workman cannot be an industrial dispute, (b) it can be an industrial dispute and (c) it cannot per se be an industrial dispute but may become one of it is taken up by a trade union or a number of workmen. On a consideration of the preponderance of judicial opinion Venkatarama Ayyar J. speaking for the Supreme Court in Central Province Transport Services case (Supra) preferred the last of the three views as he observed that there was

considerable reason behind it. A few months later, again on a review of the Indian, English and Australian Case Law In News Papers Ltd. v Industrial Tribunal (1957-II-L.L.J.-1) the Supreme Court confirmed the views taken in Central Province Transport Services case (Supra). This view has ever since been followed by the Courts. However, it does not mean that all the workmen or a majority of them of the establishment concerned should sponsor and support the dispute. All that is necessary is that the dispute, in order to become an industrial dispute should have the support of a substantial section of the workmen concerned in the establishment [See Working Journalist of the "Hindu" v the "Hindu" (1961-I-L.L.J. 288)]. Even a minority group of workmen of the establishment can make a demand and thereby raise an industrial dispute which in a proper case would be referred for adjudication under Section 10 of the Industrial Disputes Act, 1947. [See Associated Cement Companies Ltd., v. their workmen [1961-I-L.L.J.491]. It is also to be remembered that to convert an individual dispute in to an "industrial dispute", it is not necessary that a registered body, much less a recognised one, alone should sponsor the cause of an individual workman. Once it is shown or admitted that a body of workmen either acting through a union registered or unregistered, or otherwise had sponsored a workman's cause it is sufficient to convert it into an industrial dispute. As observed by the Allahabad High Court in Messrs Western India Match Co., Ltd., Clutterbuckganj v. Western India Match Co., Workers' union, Clutterbuckganj, Bareilly and others (1969-Labour and Industrial Cases 610) application for settlement of individual dispute can be made by an officer of a union before the conciliation officer and no resolution of members of the union or even its executive committee is necessary. The solitary witness, MW 1 examined for the employers has conceded that he has not seen the membership register either of Baulia Quarries Rashtriya Mazdoor Seva Sangh or of Baulia Quarries Mazdoor Sangh. On the application of the employers report of the union membership verification conducted by the officers of the Regional Labour Commissioner (C), Government of India, Dhanbad was summoned. The report shows that on the physical/spot verification on 25th September, 1969 the total membership of the Baulia Quarries Rashtriya Mazdoor Seva Sangh, Baulia was 821 and of Baulia Quarries Mazdoor Sangh 1583. No doubt, the latter had an impressive number of membership. But it cannot be said that the membership of Baulia Quarries Rashtriya Mazdoor Seva Sangh was negligible. For these reasons I find no substance in the objection.

6. I find substance in the other objection of the employers to the reference. It is that prior to the date of the reference no dispute had been raised with the management by or on behalf of the affected workman challenging his dismissal and for this reason the reference is bad in law and, consequently, this Tribunal has no jurisdiction to entertain it. The objection was taken by the employers in para 5 of their written statement. The objection is not traversed by the workmen. From the failure of conciliation report accompanying the order of reference it appears that Baulia Quarries Rashtriya Mazdoor Seva Sangh having raised an industrial dispute by its letter dated 16th December, 1968 regarding suspension and dismissal of the affected workman, the conciliation officer had sent a copy of the letter to the management of the employers and the management had submitted its comments by its letter No. 140 dated 1st Feb. 1969. There is no evidence that before raising the dispute before the conciliation officer the affected workman or any union representing him had sent any letter to the management of the employers challenging his dismissal. It is argued on behalf of the workman that when a copy of the letter to the conciliation officer by the union was sent to the management and the management submitted its comments justifying their dismissal of the affected workman it amounted to the affected workman having raised a dispute with the management regarding his dismissal and the management having denied the demand of the affected workman. The contention of the employers is that the dispute on behalf of the affected workman should have been raised with the employers before it was raised before the conciliation officer and in default the dispute subsequently raised before the conciliations officer and referred to for adjudication is not an industrial dispute at all. For support they have cited the decision of the Supreme Court in Sindhu Resettlement Corporation Ltd.—v.—Industrial Tribunal, Gujarat and others (1968-I-L.L.J. 834). This is a case on point. In the case before the Supreme Court the demand on the management related only to retrenchment compensation and not to reinstatement. The Supreme Court therefore observed at page 839 of the judgment as follows:—

"Since no such dispute about reinstatement was raised by either of the respondents before the management of the appellant, it is clear that

the State Government was not competent to refer a question of reinstatement as an industrial dispute for adjudication by the tribunal. The dispute that the State Government could have referred competently was the dispute relating to payment of retrenchment compensation by the appellant to respondent 3 which had been refused. No doubt, the order of the State Government making the reference mentions that the Government had considered the report submitted by the conciliation officer under Sub-sec. (4) of S. 12 of the Industrial Disputes Act, in respect of the dispute between the appellant and workmen employed under it, over the demand mentioned in the schedule appended to that order; and, in the schedule, the Government mentioned that the dispute was that of reinstatement of respondent 3 in the service of the appellant and payment of his wages from 21 February, 1958. It was urged by Shri Gopalakrishnan on behalf of the respondents that this Court cannot examine whether the Government, in forming its opinion that an industrial dispute exists, came to its view correctly or incorrectly on the material before it. This proposition is, no doubt, correct, but the aspect that is being examined is entirely different. It may be that the conciliation officer reported to the Government that an industrial dispute did exist relating to the reinstatement of respondent 3 and payment of wages to him from 21 February, 1958, but, when the dispute came up for adjudication before the tribunal, the evidence produced clearly showed that no such dispute had ever been raised by either respondent with the management of the appellant. If no dispute at all was raised by the respondents with the management, any request sent by them to the Government would only be a demand by them and not an industrial dispute between them and their employer. An industrial dispute, as defined, must be a dispute between employers and employers, employers and workmen and workmen and workmen. A mere demand to a Government, without a dispute being raised by the workmen with their employer, cannot become an industrial dispute. Consequently, the material before the tribunal clearly showed that no such industrial dispute, as was purported to be referred by the State Government to the tribunal, had ever existed between the appellant Corporation and the respondents and the State Government, in making a reference, obviously committed an error in basing its opinion on material which was not relevant to the formation of opinion. The Government had to come to an opinion that an industrial dispute did exist and that opinion could only be formed on the basis that there was a dispute between the appellant and the respondents relating to reinstatement. Such material could not possibly exist when, as early as March and July, 1958, respondents 3 and 2, respectively, had confined their demands to the management to retrenchment compensation only and did not make any demand for reinstatement. On these facts it is clear that the reference made by the Government was not competent. The only reference that the Government could have made had to be related to payment of retrenchment compensation which was the only subject matter of dispute between the appellant and the respondents."

7. In my anxiety to understand precisely what the Supreme Court meant I have studied the whole of their decision and also the Gujarat High Court decision (1965-11-L.L.J 268) which was reversed by the Supreme Court. At page 271 of the Gujarat High Court decision it is stated that the respondent No. 3 had made a complaint to his union, respondent No. 2 who thereupon presented the demand to the Corporation for the reinstatement of respondent No. 3. But the Supreme Court has held that the evidence before the Tribunal clearly showed that no such demand was made by the affected workmen or by the union on the management of the Sindhu Resettlement Corporation and I feel bound to accept this later position. The Supreme Court has also clarified that even if the conciliation officer found that an industrial dispute existed and so reported to the Government, this could not be regarded as the existence of the industrial dispute which has to be founded upon a demand by the workmen on the employers. If this is the ratio of the Supreme Court decision, it cannot be said that an industrial dispute existed in the present case as no demand was made by the affected workman or the union representing him on the employers before it was made before the conciliation officer through the letter of the union dated 16th December, 1968.

In that event the fact that the demand of the union was forwarded by the conciliation officer to the employers and it was not accepted by the employers would not constitute an industrial dispute. This decision of the Supreme Court was discussed at length and followed by the Delhi High Court in *F. L. Corporation (P) Ltd. v Union of India* (1970 Lab. IC-421). On this ground I have no option but to hold the reference as incompetent.

8. The reference is, therefore, held as incompetent. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer,

Central Govt. Industrial Tribunal (No. 2), Dhanbad.

[No. 36(40)/69-LRIV]

New Delhi, the 19th August 1970

S.O. 2930.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of South Golukdih Colliery, Post Office Jharia, Dhanbad, and their workmen, which was received by the Central Government on the 12th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 17 OF 1969

PRESENT

Shri Sachidanand Sinha, M.A.M.M.L., Presiding Officer.

PARTIES:

Employers in relation to the management of South Golukdih Colliery.

Vs.

Their workmen.

APPEARANCES:

For Employers.—Shri P. K. Bose, Advocate.

For workmen.—Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat.

INDUSTRY: Coal

STATE: Bihar

Dhanbad, dated the 5th August 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employees in relation to South Golukdih Colliery, Post Office Jharia, District Dhanbad and their workmen by its Order No. 2/17/69-LR-II, dated the 25th February, 1969, referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:

SCHEDULE

"Whether the management of South Golukdih Colliery Post Office Jharia (Dhanbad) was justified in refusing employment to Shri Rahman Khan, Mining Sirdar, with effect from the 4th September, 1968 and Shri Satish Modak, Mining, Sirdar, for the period from the 6th August, 1968 to the 19th December, 1968? If not, to what relief are these workmen entitled?"

2. This Tribunal registered the dispute as reference No. 17 of 1969.

3. Shri H. N. Singh, Vice President Koyala Mazdoor Panchayat filed the written statement, on behalf of the workmen, on the 20th March, 1969 and the employers filed their written statement on the 21st of May, 1969.

4. The matter was fixed for hearing on the 1st July, 1970 and Shri P. C. Sharma, Superintendent of South Golukdih Colliery was examined as witness for and on behalf of the employers. On behalf of the workmen Shri R. S. Singh, Secretary

of Koyala Mazdoor Panchayat and Shri Rahman Khan, one of the concerned workman, were examined as witnesses on 1st July, 1970 and 2nd July, 1970, respectively.

5. The management filed 4 items of documents and these were marked as Ext. M-1 to M-4 and on behalf of workmen 7 items of documents were filed and they have been marked as Ext. W-1 to W-7.

6. The matter was then adjourned for arguments. But however, in the meantime the parties settled the matter amicably through a compromise. As such I need not discuss the respective stands taken by the individual parties.

7. Both the parties presented on the 4th August, 1970 and filed the joint memorandum of compromise which has been duly verified by Sri P. C. Sharma, Superintendent of South Golukdih Colliery, for and on behalf of the employers and by Shri H. N. Singh, Vice President Koyala Mazdoor Panchayat for and on behalf of the workmen. The terms of settlement are appended below—

1. The management agrees to pay Shri Rahman Khan the wages/salary of a mining sirdar category II as laid down in the Coal Wage Board Recommendations with effect from June, 1970.
2. The management further agrees to send his name for enrolment as a member of the Coal Mines Provident Fund since June, 1970.
3. The management further agrees to pay an ex-gratia amount of Rs. 550 (Rupees five hundred and fifty only) towards the loss of his wages.
4. As Shri Satish Modak has already accepted his guilt and the management has since pardoned him and kept him on employment, no compensation would be paid to him.
5. The management agrees to pay to Shri Rahman Khan the ex-gratia amount within 15 days from the date of this agreement.

8. The aforesaid terms of agreement appears to me reasonable and justified and hence are accepted. And I accordingly make an award in the terms of memorandum of compromise annexed hereto.

9. This is my award. It may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

REFERENCE NO. 17 OF 1969

Between the Employers in relation to the South Golukdih Colliery of M/s.
South Golukdih Coal Co. P.O. Jharia, Dist. Dhanbad.

AND

Their workmen S/Shri Rahman Khan and Satish Modak, mining sirdars
represented by the Koyla Mazdoor Panchayat, Jharia.

In the interest of mutual good relations and industrial peace, the parties have mutually agreed to compose of this dispute on the following terms and conditions:

Terms of Settlement

1. The management agrees to pay Shri Rahman Khan the wages/salary of a mining sirdar category II as laid down in the Coal Wage Board Recommendations with effect from June, 1970.
2. The management further agrees to send his name for enrolment as a member of the Coal Mines Provident Fund since June, 1970.
3. The management further agrees to pay an ex-gratia amount of Rs. 550 (Rupees Five hundred and fifty only) towards the loss of his wages.
4. As Shri Satish Modak has already accepted his guilt and the management has since pardoned him and kept him on employment, no compensation would be paid to him.
5. The management agrees to pay to Shri Rahman Khan the ex-gratia amount within 15 days from the date of this agreement.

It is, therefore, requested that the Tribunal be pleased to give its Award in terms of this settlement which should be deemed as just and fair.

On behalf of the Employers.
(Sd.) Illegible,
Supdt. of Collieries, South
Golukdih Colliery P.O. Jharia.
(Sd.) Illegible.

On behalf of the workmen.
(Sd.) Illegible,
Vice-President,
Koyala Mazdoor Panchayat Jharia.

[No. 2/17/69-LRIL.]

S.O. 2131.—Whereas an industrial dispute exists between the employers in relation to the Central Electrical and Mechanical Workshop, National Coal Development Corporation Limited, Post Office Korba Colliery, District Bilaspur, Madhya Pradesh, and their workmen represented by National Coal Organisation Employees Association Central Electrical and Mechanical Workshop Branch, Korba, Post Office Korba Colliery, District Bilaspur, Madhya Pradesh;

And whereas the said employers and the workmen have by a written agreement in pursuance of the provisions of the sub-section (1) of section 10A of the Industrial Dispute Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 25th June, 1970.

Agreement

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

NAME OF THE PARTIES:

Representing Employer.—Shri E. J. Jacob, General Superintendent, Central Electrical & Mechanical Workshop, N.C.D.C. Ltd., P.O. Korba Colliery, (Distt. Bilaspur) M.P.

Representing workers.—Shri Manoga Thakur Secretary, National Coal Organisation Employees Association Central Elect. & Mechanical Workshop Branch, Korba, P.O. Korba Colliery (District Bilaspur) M.P.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri A. K. Ray, Director (Finance) NCDC Ltd., Darbhanga House, Ranchi (Bihar).

(i) Specific matters in dispute:

Keeping in view the office orders No. 100/TRG/64 dated 7th August, 1964 and 26th August, 1964 what should be the rules by which the undernoted workmen of the Central Electrical and Mechanical Workshop, NCDC Ltd., Korba should be guided and what should be the relief to which these workmen are entitled?

1. Shri Jamuna Pd., Fitter (Mechanical)
2. Shri R. C. Thakur, Fitter (Mechanical)
3. Shri A. Thakur, Fitter (Mechanical)
4. Shri B. P. Singh, Fitter (Mechanical)
5. Shri M. R. Ansari, Fitter (Mechanical)

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved:

The Central Electrical & Mechanical Workshop, NCDC Ltd. Korba Colliery (Distt. Bilaspur) M.P. and their workmen represented by National Coal Organisation Employees Association, Central Electrical & Mechanical Workshop Branch, Korba Colliery (District Bilaspur) M.P.

(iii) Name of the Union, if any, representing the workmen in question.

National Coal Organisation Employees Association, Central Electrical & Mechanical Workshop Branch, Korba Colliery, (Distt. Bilaspur) M.P.

(iv) Total Number of workmen employed in the undertaking affected.
400.

(v) Estimated number of workmen affected or likely to be affected.
5 (five)

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to begotilage for fresh arbitration.

Representing Employer
(Sd.) E. J. JACOB,
30/5

Representing Workmen
(Sd.) MANOGA THAKUR.

Witnesses:

1. Sd/- R. C. THAKUR,
30/5/70

2 Sd/- A. D. MATHUR,

Bilaspur, Dated 30th May. 1970.

[No. 5/9/70-LRII.]

श्रम रोजगार और पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली 19 अगस्त, 1970

का० आ० 2931—यत : केन्द्रीय विद्युत और यांत्रिक कर्मशाला राष्ट्रीय कोयला विकास निगम लिमिटेड डाकघर कोरबा कोलियारी जिला बिलासपुर मध्य प्रदेश से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच जिनका प्रतिनिधित्व राष्ट्रीय कोयला संगठन कर्मचारी संगम केन्द्रीय विद्युत और यांत्रिक कर्मशाला शाखा कोरबा डाकघर कोरबा कोलियारी जिला बिलासपुर मध्य प्रदेश करता है एक औद्योगिक विवाद विद्यमान है ;

और यत : उक्त नियोजकों और कर्मचारों ने औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबंधों के अनुसरण में उक्त विवाद को एक लिखित करार द्वारा उसमें विनिर्दिष्ट व्यक्ति माध्यस्थता के लिये निवेशित करने का करार कर है और उक्त करार की एक प्रति केन्द्रीय सरकार को भेजी गई है ;

अतः ; अर्ब औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबंधों के अनुसरण में केन्द्रीय सरकार उक्त माध्यस्थता करार को जो उसे 25 जून 1970 को मिला था एतद्वारा प्रकाशित करती है ।

(करार)

(औद्योगिक विवाद अधिनियम 1947 की धारा 10-क के अधीन)

निम्नलिखित के बीच

जपक्षकारों के नाम

नियोजक का

प्रतिनिधित्व करने वाले :

श्री ई० जे० जैकब

साधारेण अधीक्षक

केन्द्रीय विद्युत और यांत्रिक कर्मशाला राष्ट्रीय कोयला विकास निगम लिमिटेड पो० कोरबा कोलियारी

(जिला बिलासपुर) मध्य प्रदेश

कर्मकारों का प्रतिनिधित्व
करने वाले

श्री मनीषा ठाकुर
सचिव

राष्ट्रीय कोयला संगठन कर्मचारी संगम केन्द्रीय
विद्युत और यांत्रिक कर्मशाला शाखा
कोरबा पी० कोरबा कोलियरी (जिला बिलास-
पुर) मध्यप्रदेश

पक्षकारों के बीच एनईद्वारा यह करार हुआ है कि निम्नलिखित औद्योगिक विवाद श्री
ए० को० रे निदेशक (वि०) राष्ट्रीय कोयला विकास निगम लिमिटेड दरभंगा हाउस रांची (बिहार)
के अध्यक्ष के लिये निर्दिष्ट किया जाए ।

(1) विवाद के विविध बिन्दु :

कार्यालय आदेश सं० 100/टी आर जी/64 तारीख 7-8-64 और 26-8-64 को ध्यान
में रखते हुए वे कौन से नियम होने चाहिये जिन्हें केन्द्रीय विद्युत और यांत्रिक कर्मशाला रा० को०
वि० नि० लिमिटेड कोरबा के निम्नलिखित कर्मकारों का मार्गनिर्देशन होना चाहिये और वह कौन-
सा आन्दोलन होना चाहिये जिसके लिये ये कर्मकार हकदार हैं ?

1. श्री जमुना प्रसाद फिट्टर (यांत्रिक)
2. श्री आर० सी० ठाकुर —योजक—
3. श्री ए० ठाकुर —योजक—
4. श्री बी० पी० सिंह —योजक—
5. श्री एम आर० प्रसारी —योजक—

(ii) विवाद के पक्षकारों का विवरण जिनमें अन्तर्निहित स्यासन या उपक्रम का नाम और
पता सम्मिलित है

केन्द्रीय विद्युत और यांत्रिक कर्मशाला रा० को० वि० नि० लिमिटेड कोरबा कोलियरी
(जिला बिलासपुर) मध्यप्रदेश तथा उनके कर्मकार जिनका प्रतिनिधित्व राष्ट्रीय कोयला संगठन
कर्मचारी संगम केन्द्रीय विद्युत और यांत्रिक कर्मशाला शाखा कोरबा कोलियरी (जिला बिलासपुर)
द्वारा किया गया

(iii) यदि प्रश्नगत कर्मकारों का प्रतिनिधित्व करने वाला कोई संघ है तो उसका नाम

राष्ट्रीय कोयला संगठन कर्मचारी संगम, केन्द्रीय विद्युत और यांत्रिक कर्मशाला शाखा, कोरबा
कोलियरी, (जिला बिलासपुर) मध्य प्रदेश ।

(iv) प्रभावित उपक्रम में नियोजित कर्मकारों की कुल संख्या 400

(v) जिन कर्मकारों पर प्रभाव पड़ा है या जिन पर प्रभाव पड़ने की संभावना है उनकी प्रा-
क्कलित संख्या

5 (पांच)

हम यह भी करार करते हैं कि मध्यस्थ का विनिश्चय हम पर बाध्यकारी होगा ।

मध्यम अवस्था में बाट छूट मास की कालावधि के भीतर या इनके अर रमस, के भीतर जो हमारे बाव लिखित काम में हुए पारस्परिक कर द्वारा बढ़ाया जाए, देगा। अथवा पचास वर्षों तक कालावधि के भीतर नहीं दिया जाता है। यदि मध्यम के लिये यह निर्देश स्वतः रद्द हो जाएगा और हम नए माध्यम के लिये बातचीत करने के लिये स्वतः होंगे।

नियोजक का प्रतिनिधित्व करने वाले

रूपकारों का प्रतिनिधित्व करने वाले

(ई० जे० मैकल)

(मनोमा ठाकुर)

साक्षी : 1. (आर० सी० ठाकुर) , 2 (ए० डी० ठाकुर) :

बिलासपुर तारीख 30 मई, 1970

[म० 5/9/70-एल० आर० 11]

New Delhi, the 21st August 1970

S.O. 2932.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Chora No. 7 and 9 Pits Colliery, Post Office Bahula, District Burdwan and their workmen, which was received by the Central Government on the 13th August, 1970

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

REFERENCE No. 12 OF 1970

PARTIES:

Employers in relation to the management of Chora No 7 and 9 Pits Colliery.
AND

Their workmen

PRESENT:

Mr B. N. Banerjee—Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri S. K. Bhattacharjee, Advocate.

On behalf of Workmen.—Absent

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6(3)/70-LR II dated March 20, 1970, the Government of India, in the Ministry of Labour Employment & Rehabilitation, (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Chora No. 7 and 9 Pits Colliery and their workmen, to this Tribunal for adjudication, namely:—

"Whether the management of Chora No. 7 and 9 Pits Colliery Post Office Bahula, District Burdwan was justified in not paying Dearness Allowance, Sick Leave, Train fare, Overtime wages, Lead and Lift and annual increment to the workers as per Wage Board recommendations in Coal Industry as accepted by the Government with effect from the 15th August, 1967 and if not to what relief they are entitled"

2. The workmen have adopted a strange attitude of non-cooperation with the Tribunal. They did not file their written statement, in spite of service of notice on them. They did not appear before the Tribunal on the date fixed for settling a date of peremptory hearing. They did not appear today, which was the date

fixed for peremptory hearing. The management put in an apology for cooperation. They merely filed a written statement which contained next to nothing. All that were pleaded in that written statement were:

- (i) the recommendations of the Wage Board for Coal Mining Industry were mere recommendations and were not enforceable under any Statute.
- (ii) the financial capacity of the employer did not permit enhancement in wages, payment of V.D.A. full back wages and increments.
- (iii) the lead and lift to workmen did not at all apply in this case.
- (iv) there was an agreement between the workmen and the employer which was still in force.

3. No copy of the agreement was produced before this Tribunal and Mr. Bhattacharjee, appearing for the management, confessed his inability to produce the agreement. The conduct of the parties induces me to believe that there is no serious dispute between the parties over the issue referred to this Tribunal now subsisting.

4. I, therefore, record a 'no dispute' award in this case.

(Sd.) B. N. BANERJEE,

August 10, 1970.

Presiding Officer.

[No. 6/3/70-LRII.]

S.O. 2933.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the management of Tata Iron and Steel Company Limited Jamadoba, Post Office Jealgora (Dhanbad) and their Contractor Shri B. B. Das and their workmen, which was received by the Central Government on the 11th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 42 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the management of TISCO's Jamadoba Colliery

AND

Their workmen.

APPEARANCES:

For Employers—(1) M/s. Tata Iron & Steel Co. Ltd. represented by Shri S. S. Mukherjee, Advocate.

(2) Shri B. B. Das, Contractor—represented by Shri D. Narshingh, Advocate.

For Workmen—S. L. Sengputa, M.P. & Advocate.

INDUSTRY: Coal

STATE: Bihar

Dhanbad, dated the 25th of July, 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Tata Iron & Steel Co. Limited, Jamadoba, P.O. Jealgora (Dhanbad) and their contractor on one side and the workmen on the other side, by its order No. 2/118/66-LRII dated the 17th September, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in

respect of the matter specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

"Whether the refusal of the management of Tata Iron and Steel Company Limited Jamadoba, Post Office Jealgora (Dhanbad) and their Contractor Shri B. B. Das to continue the following workers in employment with effect from the 30th April, 1966 was justified? If not, to what relief are they entitled?

Name	Designation
1. Shri Naresh Singh	Coal Supply Mazdoor
2. " Fuleswar Singh	-do-
3. " Ganga Singh	-do-
4. " Kara Bhuia	-do-
5. " Biswanath Singh	-do-
6. " Lakhan Singh	-do-
7. " Yakun	-do-
8. " Sosti Gorai	-do-
9. " Sitaram Singh	-do-
10. " Sitaram Mali	-do-
11. " Rameshwar Singh	-do-
12. " Sarjoo	-do-
13. " Sudhir Gorai	-do-
14. " Rajendra Singh I	-do-
15. " Rameshwar Singh	-do-
16. " Akleswari Singh	-do-
17. " Daso Ram	-do-
18. " Liloo Singh	-do-
19. " Kamleshwari	-do-
20. " Gobind Singh	-do-
21. " Jamun Singh	-do-
22. " Benarashi Singh	-do-
23. " Gokul Mali	-do-
24. " Arjun Singh	-do-
25. " Anuplall Singh	-do-
26. " Nabin Mandal	-do-
27. " Biroo Mahato	-do-
28. " Kishun Singh	-do-
29. " Karoo Singh	-do-
30. " Baldeo Saw	-do-
31. " Jaldhar Singh	-do-
32. " Rajendra Singh II	-do-
33. " Dinesh Singh	-do-
34. " Bihari Mali	-do-
35. " Akhil Singh	-do-

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 134 of 1966. While the proceeding was pending there the Central Government by its order No. 8/25/67-LRII dated the 8th May, 1967, transferred the dispute to the Central Government Industrial Tribunal No. 2 Dhanbad where it was registered as reference No. 171 of 1967. By its subsequent order No. 8/71/68-LRII dated the 13th August, 1968, the Central Government transferred the dispute to this Tribunal where it has been registered as reference No. 42 of 1968.

3. The Tata Collieries Workers' Union, Digwadih, filed written statement, on behalf of the workmen, on the 26th November 1968. Their case in brief is that Jamadoba 6 & 7 pits colliery was owned and managed by M/s. Tata Iron & Steel Co. Ltd. employing about 56 workmen either directly or through their agent (1) Shri B. B. Das and (2) Shri Dhiraj Lal, the contractors. According to the Union Shri B. B. Das and M/s. Tata Iron & Steel Co. Ltd. jointly and severely employed 35 workmen in the aforesaid Jamadoba 6 & 7 pits colliery. The aforesaid 35 workmen, mentioned in the order of reference, were refused employment without any notice and without asking any reason with effect from 30th April 1966. The aforesaid 35 workmen were members of Tata Collieries Worker's Union and were agitating for removal of some of their long standing and legitimate grievances, and therefore, they were victimised by way of refusal of work.

4. Tata Iron & Steel Co. Ltd. and their contractors, mentioned above, were paying the aforesaid 35 workmen much less than what was payable to them according to the rates prevailing in the coalfield under the various awards. Therefore, according to the Union the refusal of work and unemployment of these workmen w.e.f. 30th April, 1966 is to be held to be illegal, malafide and as a result of victimisation. The Union therefore, prayed that they should be directed to be reinstated in their jobs with full back wages and in continuity of service.

5. Tata Iron & Steel Co. Ltd., filed their written statement on 25th April, 1968 and the rejoinder on 14th April, 1969. Their case is that none of the workmen mentioned in the schedule of reference, was employed by the company and that there was no relation of the employer and employee between the said workers and the company at any time.

6. In the 'A' shift, coal from 6 and 7 pits Jamadoba Colliery is supplied to the Jamadoba Power House departmentally and in B and C shifts it was supplied by the contractors. Shri B. B. Das was one of the approved contractors of the Company and he undertook the supply of coal to the Power House. For the purpose of executing the above contract Shri B. B. Das engaged the coal supply Mazdurs. Shri B. B. Das had been paying the basic wages to his workmen and the Company undertook to bear other statutory dues like bonus, train fare and in consideration thereof the contract rate was fixed.

7. Tata Collieries Workers Union, by its letter dated 2nd April, 1965 addressed to the Conciliation Officer(C), Dhanbad II raised a dispute demanding, amongst other things, that the job of coal supply to bunkers of Jamadoba Power House be taken over by the management of Tata Iron & Steel Co. Ltd. directly and that the contractor in relation to this job be removed and the contract system in connection with this job be abolished totally.

8. In view of the above fact the Company had decided to terminate the contract of Sri B. B. Das and to take up the work of supply of coal to the Power House departmentally in all the three shifts. As there were already sufficient number of surplus departmental labourers, they were engaged on this work. It was further submitted that the contractor Sri B. B. Das was no longer able to control his workmen as he had constantly failed in supplying coal to the Power House in the required quantity and to maintain a regular supply. The Company was therefore, constrained to take over the work departmentally and Sri B. B. Das was informed accordingly by letter dated the 17th June, 1966. Therefore the contention of Tata Iron & Steel Co. Ltd. is that it was for the contractor to find out and continue in employment his labour namely the workmen mentioned in the schedule of reference and that it was not the responsibility and legal obligation of the Company. It was responsibility of the contractor Sri B. B. Das to absorb his workmen in his other contract work or to deal with them in any other way.

9. Sri B. B. Das filed his written statement on 12th September, 1968. His case is that Tata Iron & Steel Co. Ltd., has a Power House adjacent to its Jamadoba 6 and 7 pits Colliery for production of electricity to run all its collieries in Jharia Coalfield. Coal has to be supplied to bunkers of the Power House from Jamadoba 6 and 7 pits colliery. Such supply of coal to Power House is a part of the company's regular trade of business for producing electricity for its own purpose. This work was being done departmentally in the first shift. But in other two shifts, i.e. 2nd and 3rd shifts the job was entrusted to different contractors from time to time according to the convenience of the company. Sri B. B. Das had been entrusted with the task of supplying coal to power house in the 3rd shift from sometime in the year 1953. At that time one Sri Dhiraj Lal Patel had been entrusted with the contract of supplying coal to Power House in the 2nd shift. On or about 11th April 1965 the Company terminated the said contract of Sri Dhiraj Lal Patel and verbally entrusted the work of supplying the coal to Power House in the 2nd shift as well to Sri B. B. Das. Shri B. B. Das had originally 16 workmen in his employment and the remaining 19 workmen were in employment with Sri Dhiraj Lal Patel. After the contract of Sri Dhiraj Lal Patel was terminated by the company the 19 workmen who were in employment with Dhiraj Lal Patel, were given fresh employment under Sri B. B. Das.

10. The job of B. B. Das had also been formally closed from 17th June, 1966 with immediate effect though his work had already been stopped from 30th April.

1966. Since the work which was got done through the contractor Sri B. B. Das, was taken over by Tata Iron & Steel Co. Ltd., to be done departmentally there could be no question for reinstatement of the workmen under Sri B. B. Das whose business itself had ceased to exist. Such a demand could only arise against Tata Iron & Steel Co. Ltd., itself.

10. The main case of Sri B. B. Das is that though he had been described as a contractor but according to the duties performed by him he was merely a supervisor entrusted with the task of supplying labour to the colliery for regularly feeding the Power House with coal and to do in the manner as required by the Company. The workmen had to work under strict supervision and control of the officers of the company during the period fixed by the company. Therefore, Sri B. B. Das was actually a supervisor and not a contractor in ordinary term though described as such in the order of reference.

11. Sri B. B. Das had been paying to the workmen only their basic wages and initial dearness allowance while the company was responsible for paying to them other legal and statutory dues including the employer's contribution to Coal Mines Provident Fund, Variable D. A., quarterly bonus, annual wages, train fare and such other privileges. All such payments were made by Tata Iron & Steel Co. Ltd.

12. According to Sri B. B. Das the Tata Iron & Steel Co. Ltd. had itself stopped the work of 35 workmen mentioned in the order of reference, from 30th April, 1966 and the job got done through Sri B. B. Das was taken away by the Company to do the same departmentally. Therefore, his case is that the aforesaid workmen are not entitled to any relief from Sri B. B. Das.

13. On behalf of Tata Iron & Steel Co. Ltd., one witness was examined namely Sri Girish Kumar, the Assistant Manager of Jamadoba Power House and 17 items of documents were exhibited and marked as Ext. M-1 to M-17. On behalf of Sri B. B. Das only one witness namely Sri B. B. Das himself was examined as witness and 5 items of documents were exhibited and marked as MC-1 to MC-5. On behalf of the union one witness namely Shri Naresh Singh, the workman mentioned in serial No. 1 of the order of reference, was examined as witness and 5 documents were exhibited and marked as Ext. W-1 to W-5.

14. The point for consideration is whether the Tata Iron & Steel Co. Ltd. and their contractor Sri B. B. Das were justified in refusing employment to the 35 concerned workmen, mentioned in the order of reference, with effect from 30th April, 1966?

15. The first point for consideration is whether the Tata Iron & Steel Co. Ltd. or Sri B. B. Das were/was the employer(s) in respect to these 35 concerned workmen?

16. It is now a well settled principle of law that in order to ascertain as to who is the employer at any particular time is to ask who is entitled to tell the employee the way in which he is to do the work upon which he is engaged. The determinative factor is as to which party had control over the workers as to how they would do their job from day to day.

17. In *Dherangadhara Chemical Works Ltd. v. State of Saurashtra* (1957) S.C.R. 152 it was held that 'the *prima facie* test of the relationship of master and servant is the existence of the right in the employer not merely to direct what work is to be done but also to control the manner in which it is to be done, the nature or extent of such control varying in different industries and by its nature incapable of being precisely defined.'

18. There are certain admitted facts in this case. In this connection I set out para 5 of the written statement of the Tata Iron & Steel Co. Ltd., *in extenso*:-

"That it may be mentioned that Sri B. B. Das had been paying wages to his workmen whereas the Company undertook to meet the other statutory payments namely Bonus, Leave Wages, Train fare, etc., and in consideration of the same the contract rate was fixed."

Similarly I set out the relevant portion of para 15 of the written statement of Sri B. B. Das, Contractor:-

"Sri B. B. Das was responsible in terms of the so-called verbal contract for paying to the workmen only their basic wages and initial dearness allowance while the company was responsible for the payment to

them of other legal and statutory dues including employer's contribution to the Coal Mines Provident Fund, variable dearness allowance, quarterly bonus, annual leave wages, train fare and the life."

19. In this connection Sri Girish Kumar (MW-1) of Tata Iron & Steel Co. Ltd., stated in his evidence that Sri B. B. Das, contractor, used to pay to the workmen the basic wages and the initial dearness allowance. The leave wages, bonus, train fare, etc., were used to be paid by the Company-Tata Iron & Steel Co. Ltd. and that after the contract of Sri B. B. Das was terminated with effect from 17th June, 1966, the work was taken up to be done departmentally in all the three shifts and that Sri B. B. Das has no longer contract for supplying coal to the Power House.

20. MW-2 Sri B. B. Das, Contractor has also stated in his evidence that he used to pay the workmen their basic wages and the remaining dues i.e., D.A., Bonus, etc., were used to be paid by Tata Iron & Steel Co. Ltd.

21. According to Tata Iron and Steel Co. Ltd. they used to pay the employer's contribution to the Coal Mines Provident Fund, Bonus, Leave Wages, etc., as these were statutory payments for which they were legally liable and as such the said payments were made under statute and cannot thus be basis for determining employer-employee relationship.

22. According to Section 5 of the Coal Mines Provident Fund & Bonus Scheme Act, 1948, it is duty of the employer to pay the bonus in accordance to the Scheme Act, but the word 'employer' as defined in the Section 2(e) of the Act, means the proprietor or lessee of the coal mine. Therefore, according to the Coal Mines Provident Fund and Bonus Scheme Act, 1948, the liability for payment of the bonus and Provident Fund is on employer which means proprietor or lessee.

23. A person working in a mine is entitled to annual leave with wages under Section 52 of the Mines Act, 1952 and an employee has to apply for the purpose, in writing, to the Manager of the mine. Therefore, every employee working in a mine is entitled to certain leave and under section 18 of the Mines Act the owner, agent and manager of the mine is made responsible for payment of annual leave with wages. Therefore, the payments made under these heads cannot be taken as criterion for determining the employer-employee relation. Sri B. B. Das, in his written statement, has clearly admitted that Tata Iron & Steel Co. Ltd. were paying the statutory dues to the workmen. Therefore, the payments of the statutory dues made under legal obligation, cannot be deemed as private acts of the party and thus cannot be considered for determining employer-employee relationship.

24. It was also submitted before me, on behalf of Sri B. B. Das that the attendance of these workmen was maintained by Tata Iron & Steel Co. Ltd. and as such the company had control over the workers as to how they would do their jobs from day to day. But to maintain attendance registers, in the prescribed form, is also a statutory obligation on the owner, agent and manager of a colliery as provided under Section 48 of the Mines Act, 1952. The Section requires that there shall be kept registers of persons employed in a mine and the names of all the persons employed are to be shown in the registers. Therefore, keeping attendance of these workmen by the Tata Iron & Steel Co. Ltd., can also not be taken into consideration for determining employer-employee relationship as this was also done by Tata Iron & Steel Co. Ltd., under statutory obligation.

25. Sri B. B. Das filed the copy of the Standing Orders of Tata Iron and Steel Co. Ltd. (Ext. MC-5), in order to show that Tata Iron & Steel Co. Ltd., conducted disciplinary proceedings against these workmen for any misconduct committed by them and in this connection strong reliance has been placed on Rule 1(a) of the Standing Orders which lays down that all persons whether employed directly by the company or under a contractor, will be deemed to be an employee of the Company. But it was submitted before me, on behalf of Tata Iron & Steel Co. Ltd., that this definition of the word 'employee' is meant for the purpose of the Standing Orders only and not for all purposes and I think that this view is right for the company's object in framing this rule was to have control over all the employees working in the colliery either employed direct or under the contractor. These concerned workmen cannot, therefore, on the basis of Rule 1(a) of the Standing Orders be held to be the employees of the Company. In this connection the Tata Iron & Steel Co. Ltd., have relied on the case law reported in 1955 L.A.C. 580--581.

26. The management has filed Ext. M-1 to M-15 which are the correspondences between the Union, Management and Assistant Labour Commissioner regarding the demand of the Union i.e. (I) for payment of Category IV wages, (II) Removal of contractor Sri B. B. Das and (III) the job of coal supply to the bunkers be taken over by the management of Tata Iron & Steel Co. Ltd., directly. These correspondences show that action was taken by Tata Iron & Steel Co. Ltd., on the complaint of the Union. And in these correspondence we also find certain statements and admissions made by Sri B. B. Das.

27. Ext. M-1 is a letter dated 2nd April 1965, addressed by the Secretary, Tata Collieries Worker's Union to the Conciliation Officer, Dhanbad, by which the Secretary raised the dispute with the Conciliation Officer against the management of Tata Iron & Steel Co. Ltd. The demand of the Union was that the job of coal supply to the Power House bunkers be taken over by Tata Iron & Steel Co. Ltd., directly and that all the existing 45 concerned workmen be taken over by the Company directly.

28. Ext. M-3 is letter, dated 8th October, 1965, addressed by the C.M.E., TISCO to A.L.C., Dhanbad, with a copy to Sri B. B. Das, Contractor. In this letter the Tata Iron & Steel Co. Ltd., informed the A.L.C. that the dispute related to the contractor's mazdoors and that it was not the dispute between the management of Jamadoba Power House and their workmen.

29. Ext. M-4 is letter dated 19th October, 1965, addressed by Sri B. B. Das, to the C.M.E., TISCO. In this letter Sri B. B. Das, has admitted that these 35 concerned workmen were the mazdurs employed by the contractor (Sri B. B. Das) for supplying coal to Power House, Jamadoba. In this letter he (contractor Sri B. B. Das) expressed his inability to pay Category IV wages to the employees on trammimg jobs because in that case he would incur a great loss.

30. Ext. M-5 is letter, dated 14/17th February, 1966, addressed by the C.M.E., TISCO to Sri B. B. Das whereby the C.M.E. informed Sri B. B. Das that the workmen employed by him for trammimg jobs must be paid Category IV wages by him otherwise the company would realise the wages of such workmen from his (Contractor B. B. Das's) bills

31. The Tata Iron & Steel Co. Ltd., referred to these workmen as the workers employed by Sri B. B. Das, Contractor.

32. Ext. M-6 is letter dated 4th March, 1966, addressed by Sri B. B. Das to the C.M.E., Tata Iron & Steel Co. Ltd. In this letter Sri Das has stated that his (contractor's) workers supplied coal in a group thereby admitting that these concerned workmen were his (own) workers.

33. Ext. M-9 is letter dated 16th February 1966, addressed by A.L.C., Dhanbad to the C.M.E., TISCO. In this letter the A.L.C. pointed out that the trammers employed by Sri B. B. Das were not being paid Category IV wages and requested the TISCO that the contract system be abolished and that the workmen employed by Sri B. B. Das be absorbed by TISCO.

34. Ext. M-7 is letter, dated 14th March, 1966, addressed by the C.M.E., TISCO to Sri B. B. Das. In this letter the C.M.E. asked the contractor Sri B. B. Das to pay all persons employed by him, the wages laid down by the Coal award.

35. Ext. M-8 is letter, dated 21st March, 1966, addressed by Sri B. B. Das to the C.M.E., TISCO. In this letter Sri B. B. Das has stated that the workmen employed by him are not entitled to wages under the Coal award and in this letter he has mentioned the workmen employed by him as "my employees" and "my workmen."

36. Ext. M-10 is letter, dated 29th April, 1966 addressed by the A.L.C., Dhanbad II to the C.M.E., TISCO, requesting him to terminate the contract of Sri B. B. Das, immediately and to take the workers employed by him (Sri B. B. Das) on the company's roll.

37. Ext. M-11 is a letter dated 25th April, 1966, addressed by Sri B. B. Das, contractor to the C.M.E., TISCO. In this letter he has referred to these workmen as "my labourers."

38. Ext. M-12 is letter dated 3rd May, 1966 addressed by the Chief Mining Engineer, TISCO to the A.L.C., Dhanbad. In this letter the C.M.E. has stated that the question of taking the workers employed by the contractor Sri B. B. Das

on the roll of the company, does not arise since they were the workers of the above contractor Sri B. B. Das and that the question of their (workers) employment may be taken up with him (Sri B. B. Das).

39. Ext. M-13 is letter dated 5th May, 1966, addressed by Shri A. K. Mukherjee, Manager, Jamadoba Power Station. In this letter the manager complained to Sri B. B. Das regarding short loading done by his (Sri B. B. Das's) men due to lack of supervision of the contractor **Sri B. B. Das**.

40. Ext. M-14 is letter dated 24th May, 1966 addressed by Sri B. B. Das to the Manager, Jamadoba Power Station. In this letter Sri B. B. Das justified his position by saying that this was not due to his lack of supervision but was due to disturbances created by the labourers and their instigators.

41. All these exhibits have been filed to show that in the correspondence Sri B. B. Das admitted that these workmen were his employees and labourers and that Sri B. B. Das was the employer of the 35 concerned workmen.

42. In this connection I may also quote the relevant portion of para 11 of the written statement of Shri B. B. Das which is as follows:—

"At that time only 16 out of the 35 workmen herein concerned were in the employment of Shri B. B. Das, the serial numbers being 1, 2, 3, 4, 6, 9, 11, 12, 14, 16, 17, 27, 29, 30, 33 and 35. The remaining 19 workmen were in the employment of Shri Dhirajlal Patel. About two weeks after the job of Shri Dhirajlal Patel was abolished by the company as stated earlier and 19 workmen who had been in his employment were given fresh employment under Shri B. B. Das."

43. In this view of the evidence I hold that Tata Iron & Steel Co. Ltd. had not employed these 35 concerned workmen. These 35 concerned workmen were not directly employed by Tata Iron & Steel Co. Ltd. Therefore, the Tata Iron & Steel Co. Ltd. are not the employers of these 35 concerned workmen and thus these 35 concerned workmen are not entitled to any relief from Tata Iron & Steel Co. Ltd. On the contrary the admitted fact that the payment of basic wages and initial D.A. was made by Shri B. B. Das goes to show that employer and employee relation existed between Shri B. B. Das and the concerned 35 workmen.

44. Under similar circumstances the Supreme Court in the case of India General Navigation and Railway Co. Ltd. & their workmen reported in 1966 (1) L.L.J., page 735 has held that the India General Navigation and Railway Co. Ltd. had not directly employed the workmen at all and that India General Navigation and Railway Co. was not the employer's of the workmen in question.

45. In this view of the evidence I hold that these 35 concerned workmen are not the employees of Tata Iron & Steel Co. Ltd., and no employer-employee relationship existed between the Tata Iron and Steel Co. Ltd. and these 35 concerned workmen. I further hold that these 35 concerned workmen are the direct employees of Shri B. B. Das, Contractor or in other words Sri B. B. Das Contractor is the employer of these 35 concerned workmen. The question of refusal of work to these 35 concerned workmen by Tata Iron & Steel Co. Ltd., therefore, does not arise. These 35 concerned workmen will be deemed to have been retrenched from 30th April, 1966 by Shri B. B. Das, contractor and the 35 concerned workmen are entitled to retrenchment compensation under section 25(F) of the Industrial Disputes Act, 1947 from Sri B. B. Das, Contractor.

46. This is my award. This may be submitted to the Central Government under section 15 of the Industrial Disputes Act 1917

(Sd) SACHIDANAND SINHA,

Presiding Officer.

Central Government Industrial Tribunal (No. 3) Dhanbad.

[No. 2/118/66-LR.II.]

New Delhi, the 22nd August 1970

S.O. 2934.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chhannal, in the industrial dispute between the employers in relation to the Neyveli Lignite Corporation Limited, Neyveli and their workmen, which was received by the Central Government on the 18th August, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, CHENNAI

Saturday the 1st day of August 1970

PRESENT:

Thiru S. Swamikannu, B.Sc., M.L., Industrial Tribunal, Madras.

INDUSTRIAL DISPUTE No. 7 OF 1968.

(In the matter of the dispute for adjudication under Section 10(1)(c) of the I.D. Act 1947 between the workmen and the management of Neyveli Lignite Corporation Ltd., Neyveli).

BETWEEN

1. The General Secretary, Lignite Mines Labour Union, C-5, Electric St., Block 25, Neyveli-1
2. The General Secretary, Neyveli Lignite Corporation Staff Union, C-34, Panruti Road, Block-9, Neyveli-1.
3. The General Secretary, Neyveli Lignite Mines Workers Progressive Union, B-18, New St., Block-26, Neyveli-1.
- 4 The Secretary, Lignite Mines National Workers' Union, 12-D, Auditorium Road, Neyveli-1. (Impleaded as per order dated 10th April 1968 in App. No. 140/68 in I.D. No. 7/58.

AND

The Deputy General Manager, (Estt. & General). Neyveli Lignite Corporation, P.O. Neyveli-1.

REFERENCE:

Order No. 1/23/67-LRII dated the 18th day of January 1968 of the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday the 8th day of July 1970 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru N.G.R. Prasad, Partner of Messrs Row & Reddy, Advocates appearing for Union Nos. 1 to 3 and of Thiru S. Gopalaratnam, Advocate appearing for the management and the Union No. 4 being absent, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is a reference dated 18th January 1968 of the Central Government for adjudication of an Industrial Dispute existing between the employers in relation to the mines of the Neyveli Lignite Corporation Limited, Neyveli and their workmen in respect of the matters specified in the schedule to the reference and quoted below:

"Whether the demand for bonus under the payment of Bonus Act, 1965 (21 of 1965) for the workmen of the mines of the Neyveli Lignite Corporation by the three unions viz. (1) Lignite Mines Labour Union, (2) Neyveli Lignite Corporation Staff Union and (3) Neyveli Lignite Mines Progressive Workers Union on the management of Neyveli Lignite Corporation Ltd., Post Office Neyveli, South Arcot District, Madras State, for the years 1964-65 and 1965-66 was justified? If so, what should be the quantum of bonus payable for the two years separately?"

The Lignite Mines National Workers Union was subsequently added as the fourth Union under the reference

2. Union Nos. 1 to 3 namely, Lignite Mines Labour Union, Neyveli Lignite Corporation Staff Union and Neyveli Lignite Mines Progressive Workers Union have filed a joint claim statement, *inter alia* contending that there are about 18,000 employees working in the Corporation and of them approximately 12,000 are workers and 4,500 are staff and the rest of them belonging to the category of officers. It is contended that this Corporation was set up with a share capital of Rs. 25 crores and subsequently it was increased to Rs. 80 crores and the entire

share capital has been subscribed by the Government of India. It was set up in the year 1956 and it was inaugurated in 1957. In 1958, it started production of clay in the mines which was sold to a Company in Nellore. As per the 9th Annual Report of the Corporation for the year 1964-65 after providing for the interest charges on producing units and the depreciation charges there was surplus of Rs. 4.3 lakhs on production account. As per the 10th Annual Report of the Corporation for the year 1965-66 the net profit was Rs. 22,03,338 after providing for depreciation etc. Though the corporation had been making profits they did not pay even the minimum bonus for the years 1964-65 and 1965-66. It is further stated in the claim statement that the Corporation generates and sells thermal power and it also manufactures and sells lignite, fertilisers and white clay among other things, that more than 20 per cent of the gross aggregate sales turnover of this Corporation which is a public sector undertaking consists of sales and services or products which compete with the products produced or sold by the Units in the private sector, and therefore as per Section 20 of the Payment of Bonus Act the Act has become applicable to this Corporation, more particularly for the bonus years 1964-65 and 1965-66. It is further contended that both the alternatives contemplated under Sec. 16 of the Payment of Bonus Act have been fulfilled and therefore the employees are entitled to be paid bonus, that for the year 1964-65 there has been a surplus of Rs. 4.3 lakhs on production account and for the year 1965-66 there has been a net profit of over Rs. 22 lakhs after providing for depreciation etc., and therefore the Corporation is bound to pay bonus according to Sec. 16(a) of the Act because from these accounting years the Employer has derived profits and that as early as 1958 itself the Corporation sold goods produced or manufactured by it and therefore the year 1964-65 would be the 6th accounting year following the accounting year in which the employer sells its goods and as per Sec. 16(b) the employees are entitled to be paid bonus. It is still further contended in the claim statement that the Government had recently advised all the industries in the public sector industry, to pay the minimum bonus to its employees without any discrimination. The requirements of Sec. 20 are satisfied in the case of this Corporation. There is no rationale basis for differentiating the public sector from the private sector by saying that the Act will apply to the public sector only when it satisfied the requirements of Sec. 20 of the Act. The discrimination made against the employees of the Public Sector Organisation by Sec. 20 of the Act as compared with the private sector is invidious and has no rationale basis connected with the object of the Act and amounts to a virtual denial of equal protection of laws guaranteed under the Constitution of India. The Unions pray for an award of the minimum bonus as per Sec. 10 of the Payment of Bonus Act to all the employees covered by this dispute for the bonus years 1964-65 and 1965-66.

3. The Senior Personnel Officer of the Neyveli Lignite Corporation Limited, has filed the counter statement on behalf of the management *inter alia* contending that the Neyveli Lignite Corporation Limited was registered as a Company under the Companies Act, 1956 on 14th November, 1956 and that the Corporation consists of the following production units:—

1. Lignite mine
2. Thermal power station
3. Fertilizer Factory.
4. Briquetting Carbonisation Plant
5. Clay Washing Plant.

and other units such as Workshop, etc. are ancillary to the above units and that the following are the goods produced or manufactured by the corporation:—

1. Thermal power
2. Urea (Fertilizer).
3. Carbonised Briquettes, and
4. Washed clay.

It is further stated in the counter that the Madras State Government commenced the work of prospecting for lignite at Neyveli and a Pilot Quarry was excavated to determine the engineering feasibility and economic practicability of open cast mining, to collect data for studying the geological conditions obtaining in this area and to make a comprehensive laboratory investigation of utilisation possibilities of lignite and that Lignite, fire clay and white clay which were extracted from this Pilot Quarry were sent to various firms and organisations both

in India and abroad for experimental purposes. It is further contended in the counter statement that in the year 1955, the Government of India had taken over the lignite investigations from the Madras State Government, that in 1956, a small quantity of fire clay was supplied by the Government of India to a firm in Andhra Pradesh Messrs Indian Ceramics Limited, Nellore, that Fire Clay is not a product manufactured or produced by any of the units of this Corporation, that some limited quantities of fire clay were found in the over burden during the excavation done as part of the investigation works connected with the project in the nature of prospecting work, that the sale of fire clay made in 1956 was not a sale in the course of business of the Corporation which had not then come into existence, that besides sale of fire clay is not intended to be nor has it ever been a regular operation of the Corporation that such disposal by the Government of India was more akin to disposal of containers, scrap and other materials which accumulate in the course of prospecting operations and which have to be disposed of, that sometime in 1961-62 also there were sales of very small quantities of fire clay by the Corporation, that the fire clay also is not a product produced or manufactured by the Corporation, that it was found to occur in the over-burden and the same found in minute quantity was disposed of similarly, that such sales cannot be within the purview of section 16(1)(b) of the Payment of Bonus Act, that according to Explanation III under Section 16(1) of the Act, sale of the goods produced or manufactured during the course of the trial run of any factory or of the prospecting stage of any mine or an oil field shall not be taken into consideration for purpose of Clause (b) of Section 16(1), that therefore the contention of the Unions that with reference to Section 16(1)(b) of the Payment of Bonus Act, 1964-65 would be the sixth accounting year following the accounting year in which the Neyveli Lignite Corporation Limited sold its goods is not tenable, that the Plants of the Corporation were not commissioned during 1958, that among the various products of this Corporation, lignite is not sold as such but is intended only for use in the other units of the Corporation, viz. the Thermal Station, the Fertilizer Plant and the Briquetting and Carbonisation Plant, that some quantity of lignite was supplied as samples for experimental and trial purposes during the years 1959-60 and 1961-62, that the supply during 1959-60 was from out of the quantity obtained during the trial operations in the Pilot Quarry, that the supply during 1961-62 was of lignite obtained in the course of trial operations, to the Government of Madras for the purpose of exploring the feasibility of utilising Neyveli Lignite for steel production, that these were not commercial transactions in any sense of the term, that in any case, such transactions would be excluded by Explanation III under Section 16(1) of the Payment of Bonus Act and that the Corporation is not engaged in the business of selling any product other than the products of the Plants, viz. the Thermal station, the Fertilizer Plant, the Briquetting and Carbonisation Plant and the Clay washing Plant. The respondent Corporation, in its counter, further contends that the Corporation has not derived any profit upto and including the financial year 1965-66 as evidenced by the audited balance sheets of the Corporation for that period, the period for which the Unions have claimed minimum bonus under the Act, that for the purpose of the Payment of Bonus Act, the entire corporation has to be taken as one 'establishment', that according to Section 16(1)(a) of the Act, the liability to pay bonus under the Act would arise only if the Corporation as a whole has derived any profit, that the balance sheet for the year 1964-65 indicates that there has been a loss of Rs. 1,46,03,289 during the year with a cumulative loss of Rs. 7,72,27,650 to the end of that year, that taking into account the readjustment made later, as also making provision for depreciation, the net loss during the year 1965-66 was Rs. 74.52 lakhs with a cumulative loss of Rs. 626.60 lakhs to the end of that year. It is still further contended in the counter filed on behalf of the respondent-management Corporation that according to Section 32(x) read with Section 20 of the Act, the Payment of Bonus Act 1965 will apply to the Neyveli Lignite Corporation Limited which is a public sector undertaking, only if in any accounting year it sells any goods produced or manufactured by it or renders services in competition with an establishment on the private sector and the income from such sales or services or both is not less than 20 per cent of the gross income for that year, that under Section 16(1) of the Act, the liability to pay bonus would accrue only from the accounting year in which the Neyveli Lignite Corporation Limited derives profit or from the sixty accounting year following the accounting year in which it sells the goods produced or manufactured by it or renders services, as the case may be, whichever is earlier and that since the Bonus Act itself will become applicable only if the conditions in Section 20 are satisfied, for the purpose of Section 16(1)(b) the accounting year in which the employer sells the goods produced or manufactured by him or render services, as the case may be from such establishment can be only the year in which the conditions of Section 20 are satisfied.

4. It is *inter alia* further contended on behalf of the management that the Power House in the Thermal Station of the Corporation is working only from about May 1962, that the entire supply after providing for the requirements of the Corporation, is made available to the Madras State Electricity Board, that for the purpose of Section 20 to decide whether a public sector sells any goods produced or manufactured by it or renders any services in competition with an establishment in private sector, the test is not whether the goods or services supplied are of the same description but whether the custom of one can be attracted by the other, that in the case of power, producers in different areas do not sell in competition, as the source of competition is limited by the means of distribution, that as far as the power supplied by the Corporation to the Madras State Electricity Board is concerned, there is no sale in competition with any establishment in the private sector for the reason that the Madras State Electricity Board is not purchasing power from such establishments and to their knowledge no establishment is so large as to be in a position to supply power to the Madras State Electricity Board, that the other two major units of the Corporation, *viz.*, the Fertilizer Plant and the Briquetting & Carbonisation Plant have commenced production in the years 1966-67 and 1965-66 respectively, that Carbonised Briquettes produced from the Pilot Plant which was being operated for experimental purposes was being sold earlier in Madras City but such sales would come within the purview of the Explanation III—Sub-Clause (1) to Section 16 dealing with the manufacture in the course of investigation and trials, that its products carbonised briquettes and urea fertilizer are not sold by it in competition with any establishment in the private sector, that the Clay Washing Plant was commissioned in December 1961 and sales of washed clay commenced only from 1962-63, that there was a small realisation of Rs. 155 during the year 1961-62 from out of the quantity produced in the Plant during its trial run and that these sales also will come within Explanation III to Section 16 in that the clay sold was that produced during the trial run of the Clay Washing Plant. In reiterating the above particulars as applicable to Section 16(1)(b) and Section 20 of the Act, the management-corporation contends that the letter dated 13th February 1968 has been replied to suitably, and that the claim that the workmen are entitled to the minimum bonus of 4 per cent is not valid or tenable.

5. The Secretary of the Lignite Mines National Workers' Union, Neyveli, which was added as the 4th claimant in this dispute, has filed a separate claim statement re-iterating the contentions of 1 to 3 Unions contends that the Corporations turnover of competitive goods is in competitive with the private sector and its income by way of sale of its products is more than 20 per cent of the gross income and hence the Payment of Bonus Act is applicable to the Neyveli Lignite Corporation.

6. The management-corporation has filed an additional counter reiterating its original contentions in the counterfiled on 18th March 1968 and submitting that copies of balance sheets have since been supplied to the Lignite Mines National Workers' Union, as required.

7. No oral evidence was let in this dispute and an endorsement to that effect has also been made on the notes paper by both the parties. On the side of the management Exs. M-1 to M-11 were marked and the Workers on their side marked Exs. W-1 to W-6, all by consent. Exs. M-1 to M-11 are respectively the annual reports of Neyveli Lignite Corporation Limited for the 11 years commencing from 1956-57 to 1966-67. From a perusal of the Directors' Report in Ex. M-1 it is seen from page 5, that "the Government of India took over responsibility for financing the Project from 1st January 1955, until which date all investigations had been conducted at the cost of the Madras Government. With the concurrence of the State Government, they took over administrative responsibility as well for the Project from 15th September 1955, and the part time Chief Executive Officer of the Lignite Investigations, who was working under the Government of Madras, became the full time Chief Executive of the Project under the Government of India. On the formation of the Corporation in December 1956, the Chief Executive Officer was appointed Managing Director of the Corporation and all the assets and liabilities of the Government of India in the Project stood transferred to the Corporation." For the first time, in the annual report for 1961-62 (Ex. M-6), profit and loss account has been incorporated, giving the loss as Rs. 2,76,76,516. The loss carried over to Balance sheets as per Exs. M-7 to M-9 is respectively, Rs. 1,03,38,917, Rs. 1,30,07,3280- (M-8), and Rs. 1,46,03,289 (M-9). There has been no loss carried over to balance sheet for the year 1965-66 (Ex. M-10), but for the year 1966-67 (Ex. M-11), the loss has been shown as Rs. 9,60,91, 802.

8. Ex. W-1 is the Memorandum and Articles of Association of the Neyveli Lignite Corporation Limited, wherein, attention is drawn to Article 122 pertaining to the rights of the President, which runs thus:

"Notwithstanding anything contained in any of these articles, the President may, from time to time, issue such directives as he may consider necessary in regard to the conduct of the business of the Company or Directors, thereof and in like manner may vary and annul any such directive. The Directors shall give immediate effect to directives so issued."

Ex. W-2 dated 15th December 1966 is a letter from the Section Officer, Ministry of Mines and Metals, Government of India, addressed to the Deputy General Manager (E. & O.), Neyveli Lignite Corporation Limited, Madras State forwarding a copy of Lok Sabha Unstarred question D. No 5232 regarding payment of Bonus and calling for the requisite information. Ex.-3 is the enclosure, which contain the question said to have been put by Shri Indrajit Gupta in Lok Sabha and which runs as follows:

"Will the Minister of Labour, Employment and Rehabilitation be pleased to refer to the Statement made by him in the Lok Sabha on the 9th December, 1965 and State:

- (a) how many public sector undertakings have made *ex-gratia* payment in lieu of bonus to their employees in terms of the Cabinet decision of 2nd December 1965;
- (b) whether the quantum of such payments corresponds to the percentage prescribed by the payment of Bonus Act 1965;
- (c) whether it is a fact that Bonus is also being paid to Dock Workers despite their exclusion from the purview of the Act; and
- (d) if so, why similar payments are not being made to employees of the major Port Trusts?"

Ex. W-4 is an extract of the statement made by Labour Minister in the Lok Sabha on 9th December, 1965. It is stated therein that only those establishments in the public sector which are not departmentally run and which compete with establishments in the private sector, were included within the purview of the Bonus Commission and that the decision of the Cabinet on 2nd December 1965 will not apply to the public sector undertakings which have been specifically excluded from the purview of the Payment of Bonus Act 1965 under Section 32 of the Act, and also to the departmentally run undertakings like Railways, Defence establishments, Government of India, Press, Mints, Opium Factories, etc. Ex. W-5 is a true copy of the letter Lr. No. 13758/LI/65 dated 27/28th December 1966 from the Chairman of Neyveli Lignite Corporation Ltd. to the Secretary to the Government of India, Ministry of Mines and Metals, inviting reference to their letter No. 13758/LI/65 dated 1st April 1966 and stating that for the reasons stated in paras 3 and 4 therein, it could be seen that the provisions of the Payment of Bonus Act do not apply for the present to this Corporation and therefore, no *ex-gratia* under Clause (1) of the Cabinet decision on 2nd December 1966 would be payable. Ex W-6 dated 1st April 1966 is a copy of the reply from the Chairman of the management Corporation to the Ministry of Mines and Metal, to the Ministry's letter No. 10(21)66-CX, dated 16th March 1966, as to how the provisions of Payment of Bonus Act will not apply to this case.

9. Section 16 of the Payment of Bonus Act, 1965 deals with the special provisions with respect to certain establishments. The said section provides by Clause (1)(b) that "Where an establishment is newly set up, whether before or after the commencement of the Act, the employees of such establishment shall be entitled to be paid bonus under this Act only from the 6th accounting year following the accounting year in which the employer sells the goods produced or manufactured by him or renders services. Explanation III to the said section further provides that for the purpose of the said clause (b), sale of the goods produced or manufactured during the course of the trial run of any factory or of the prospecting stage of any mine or an oil-field shall not be taken into consideration. In the instant case, it is common ground that in the year 1955, the Government of India had taken over the Lignite Investigations from the Madras State Government when in 1956, a small quantity of fire clay was supplied by the Government of India to a firm in Andhra Pradesh, M/s. India Ceramics Ltd., Nellore. There is no documentary evidence adduced by either side with regard to this transaction. But it is admitted in the counter by the management Corporation that a small quantity of fire clay was supplied by the Government to firm. It is the case of the management that some limited quantities of fire clay were found in the

overburden during the excavation done as part of the investigation works connected with the project in the nature of prospecting work and that the sale of fire clay in 1956 was not a sale in the course of business of the Corporation, which has not then come into existence. This Corporation had been incorporated under the Companies Act, 1956 (1/56) and certificate of incorporation had been issued to the said corporation by the Registrar of Companies on 14th November, 1956. The claim is now only against the Corporation. It is contended on behalf of the Union that inasmuch as in Ex. M-1, the first annual report at page 5, it is stated that on the formation of the Corporation in 1956, the Chief Executive Officer was appointed Managing Director of the Corporation and all the assets and liabilities of the Government of India in the Project stood transferred to the Corporation, it is not now open to the Corporation to say that the transaction by the Government of India is not a sale by the Corporation. I am unable to uphold this contention raised on behalf of the Union, when there has been no documentary evidence produced to substantiate that the said transaction was also taken into consideration when the assets and liabilities of the Government of India had been taken over by the Corporation. Merely on the ground that there is a clause to the above effect that all the assets and liabilities of the Government of India in the Project stood transferred to the Corporation, in my view, it cannot be said that the sale of fire clay by the Government of India to a firm in Andhra Pradesh can be held to be a sale by the Corporation. Further, it has to be seen that in this context, the Union has not been able to prove that the said fire clay is a product produced or manufactured by the Corporation. It is common ground that fire clay was found occur in the over burden and it was disposed of. In this regard, it is contended strongly on behalf of the Corporation that such sales cannot be within the purview of Section 16(1)(b) of the Payment of Bonus Act, because under Explanation III to Section 16 of the Act, sale of the goods produced or manufactured during the course of the trial run of any factory or of the prospecting stage of any mine shall not be taken into consideration for purpose of clause (b) of Section 16(1). It is not the case of the Union also that it was with the object of excavating fire clay that the Corporation had been incorporated. Nor it was the case of the Union that the Government of India when it was then mining, had its object to dig for fire clay. It is submitted on behalf of the Corporation that the disposal of the said quantity of fire clay by the Government of India was more akin to the disposal of scrap and other materials which accumulate in the course of prospecting operations and which can be disposed of. Under these circumstances, I hold that fire clay is not a produced or manufactured either by the Government of India or by the Corporation. I further hold that the said sale by the Government of India of fire clay to the firm in Andhra Pradesh can be taken into account as a sale by the Corporation of its products for the purpose of Section 16(1) of the Payment of Bonus Act. As the period for which bonus is claimed, namely, for the years 1964-65 and 1965-66 to not fall within the sixth year of any sale of its product or manufacture by the Corporation. I am unable to see that there is any justification in the claim of the Union for any bonus for those years. In view of the specific provisions of the Payment of Bonus Act, quoted above.

10. In view of my above finding, I do not consider it necessary to discuss the various points raised by the management relating to the applicability of the Payment of Bonus Act to the Corporation, especially when that is not a specific issue referred to for adjudication by the Government and no original documents relating to that question had been filed by both sides. Though application No. 234 of 1970 was filed by the Union to call for the documents from the Government of India, the said application had not been pressed by the learned counsel for the Union by endorsing "No order necessary on this petition", and the petition was dismissed. In the affidavit sworn to by Thiru Srinivasan an official of the Corporation and filed along with the documents Exs. W-2 to W-4, it is categorically denied that there was receipt by the Corporation of any directive in the form of Cabinet decision. There is no proof that the original of Ex. W-4 as such had been addressed to the Corporation by the Government. So, under the circumstances and in the absence of original documents, it is not possible to discuss the merits of arguments advanced by both sides in this regard. Further, it is relevant in this connection to note that the question of minimum bonus does not arise at all for the years for which bonus has been claimed by the Union as already seen under the provisions of the Payment of Bonus Act. Under these circumstances, I hold that the demand for bonus under the Payment of Bonus Act 1965 (Act 21/65) for the workmen of the mines of the Neyveli Lignite Corporation by the four unions, namely, (1) Lignite Mines Labour Union, (2) Neyveli Lignite Corporation Staff Union, (3) Neyveli Lignite Mines Progressive Workers Union, and (4) Lignite Mines National Workers Union on the management of Neyveli Lignite Corporation Ltd. Post Office Neyveli, South Arcot

District, Madras State, for the years 1964-65 and 1965-66 is not justified. An Award is passed accordingly.

Sd./- S. SWAMIKKANNU,
Industrial Tribunal.

List of Witnesses Examined:

For both sides: None.

List of Documents Marked:

For workmen:

- W-1 — Printed memorandum and Articles of Association of the Management.
- W-2 15-12-66 Copy of letter No 10(70)/66-Cx dated 15/12/66 from the Section Officer of the Government of India to the Deputy General Manager, Neyveli Lignite Corporation Ltd.
- W-3 — Copy of question for the Lok Sabha regarding the payment of Bonus.
- W-4 — Copy of statement regarding the applicability of payment of bonus act 1965 to public sector undertakings made by the Labour Minister in the Lok Sabha on 9/1/1965.
- W-5 27/28-12-66 True copy of letter from the Chairman of the Neyveli Lignite Corporation Ltd., to the Secretary, Ministry of Mines & Metals regarding the Lok Sabha unstarred question D. No. 5232.
- W-6 1-4-66 True copy of letter from the chairman of the Neyveli Lignite Corporation Ltd., to the Secretary, Ministry of Mines and Metals regarding the question for payment of bonus in public industries.

For management:

- M-1 — Printed balance sheet for the year 1956-57.
- M-2 — Printed balance sheet for the year 1957-58.
- M-3 — Printed balance sheet for the year 1958-59.
- M-4 — Printed balance sheet for the year 1959-60.
- M-5 — Printed balance sheet for the year 1960-61.
- M-6 — Printed balance sheet for the year 1961-62.
- M-7 — Printed balance sheet for the year 1962-63.
- M-8 — Printed balance sheet for the year 1963-64.
- M-9 — Printed balance sheet for the year 1964-65.
- M-10 — Printed balance sheet for the year 1965-66.
- M-11 — Printed balance sheet for the year 1966-67.

NOTE.—The parties are directed to take return of their document/documents within six months from the date of the award

[No. 1/23/67-LRII.]

New Delhi, the 26th August 1970

S.O. 2935.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Murulidih Colliery of Messrs Kalyanji Mavji and Company, Post Office Mohuda, District Dhanbad and their workmen, which was received by the Central Government on the 18th August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD
REFERENCE NO. 23 OF 1970

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to Murulidih Colliery of M/s. Kalyanji Mavji & Co.,
P.O. Mohuda (Dhanbad).

Vs.

Their workmen.

APPEARANCES:

1. For Employers: Shri B. P. Dabral, Chief Personnel Officer.
2. For workmen: Shri S. V. Achariar, General Secretary, Hindusthan Khan Mazdoor Sangh.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 7th August 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to Murulidih Colliery of M/s. Kalyanji Mavji & Company, Post Office Mohuda, District Dhanbad and their workmen, by its order No. 2/66/70-LRII, dated the 25th June, 1970, referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947, the dispute in respect to the matters specified in the schedule annexed thereto. The Schedule is appended below:—

SCHEDULE

"Whether the action of the management of Murulidih Colliery of Messrs Kalyanji Mavji and Company, Post Office Mohuda, District Dhanbad in stopping from work Shri Raghunath Manjhi, Miner son of Shri Dubal Manjhi, with effect from the 17th December, 1968, is justified? If not, to what relief is the workmen concerned entitled?"

2. This Tribunal registered the dispute as reference No. 28 of 1970.

3. On 6th August, 1970, Shri B. P. Dabral, Chief Personnel Officer, for and on behalf of Employers and Shri S. V. Achariar, General Secretary, Hindusthan Khan Mazdoor Sangh, for and on behalf of the workmen appeared before this Tribunal and both the parties submitted that the dispute in question had already been settled amicably through compromise, dated the 24th April, 1970, according to which Shri Raghunath Manjhi, Miner, the concerned workman was taken back in service with immediate effect with continuity of service. So they prayed that the dispute does no more and therefore, an award in the terms 'NO. DISPUTE' be granted.

4. A copy of the said settlement arrived at between the parties on the 24th April, 1970, which has been verified by Shri S. V. Achariar, General Secretary, Hindusthan Khan Mazdur Sangh for and on behalf of the workmen and Shri Nirmalendu Sur, Agent, Murulidih Colliery for and on behalf of the employers, was submitted before me and Sarvashree B. P. Dabral and S. V. Achariar the authorised representatives of the Employers and the workmen, respectively who appeared before me on the 6th August, 1970, confirmed the authenticity thereof.

5. In view of the above facts I hold that the matter stands settled in the terms of the memorandum of compromise, dated the 20th April, 1970, and that accordingly the dispute does not exist any more. I, therefore, make a 'NO DISPUTE' award in the matter.

6. This is my award. This may now be sent to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA, Presiding Officer

[No. 2/66/70-LRII.]

New Delhi, the 29th August 1970

S.O. 2936.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Girimint Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 21st August, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 13 OF 1970

PARTIES:

Employers in relation to the management of Girimint Colliery,
AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Management—Sri D. Narsingh, Advocate.

On behalf of Workmen—Sri Md. Yahya, Advocate with Mr. S. Malkhandey.

STATE: West Bengal.

AWARD

By Order No. 6/7/70-LR, II, dated March 31, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Girimint Colliery of Messrs Bengal Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

‘Whether the management of Girimint Colliery of Messrs Bengal Coal Company Limited, Post Office Dishergarh, District Burdwan was justified in dismissing Shri Prafulla Kumar Chakravorty, Pit Munshi with effect from the 5th January, 1970? If not, to what relief is the workman entitled?’

2. The case of the workman appears to have been espoused by a trade union known as Colliery Mazdoor Sabha (AITUC). According to the case pleaded on behalf of the workman, he was employed at all material time, as a Pit Munshi in Girimint Colliery, under the management of Bengal Coal Company Limited. By an order, dated June 23, 1969, he was transferred by the Manager of Girimint Colliery to Poidih Colliery of Bengal Coal Company Limited and was directed to join there on June 30, 1969. The order of transfer is marked Ex. 3 in this reference and reads:

‘As per S. Pers. Letter No. E.4-GMT/E.4 PDI/11031, dated 21st June 1969 you have been ordered to go on transfer to Poidih colliery as a Pit Munshi.

You are hereby asked to report to the Welfare Officer on or before June 28, 1969, during the office hours to have your Notice of Transfer and report to Manager, Poidih Colliery on June 30, 1969 at 8 a.m. for your duty there.”

This order of transfer was, however, kept in abeyance, by a letter dated July 5, 1969 (Ex. 4), on the ground that the quarters to be allotted to the workman was not made ready at the colliery. The material portion of the letter (Ex. 4) is set out below:

“In further reference to this office letter No. S. 4/2880 of 23rd June 1969 I have to inform you that your transfer to Poidih Colliery is kept in abeyance temporarily till a quarter at Poidih Colliery is available for your. As soon as a quarter at Poidih Colliery will be available you have to go on transfer there.”

On July 7, 1969, the workman protested against the order of transfer, alleging that the order was a malafide and a motivated order. The relevant portion of the letter of protest, Ex. C, is hereinbelow quoted:

“I have gone through the contents of the Transfer letter and I beg to submit that I have been quite astonished of having such Transfer notice without any reason or justice.

From the contention it is crystal clear excepting that the Transfer was based on motivation there was no other cause behind that.

As the Management does not like to have my affiliation with the Trade Union of not Management's choice, so I am being victimised by way of such unjust transfer.

I do not accept unjust transfer notice as this is illegal and unjustified.

However I request you to withdraw this transfer notice and you are requested to supply me a copy of the letter No. S. Pers E. 4-GMT/T 4.PDI/11301, dated 21st June 1969, so that I can understand the motive behind such transfer.”

This letter, according to the workmen, was not replied to for a considerable time. The management did not admit receipt of the above letter of protest. The management, however, did not insist upon his going on transfer to Poidih Colliery for some time. Thereafter, on November 3, 1969, the order of transfer so long kept in abeyance, was made effective again and the following letter (Ex. 5) was written to the workman by the manager of Girimint Colliery:

“This has reference to this office letter No. AKB/3088 of 5th July/69. Please be informed that you are hereby ordered to go on transfer to Poidih

and report to Manager, Poidih Colliery on or before 11th November, 1969, at 8 a.m., for your duty there. Please report to the Welfare Officer of this Colliery on or before 8th November, 1969, during the office hours for having your Notice of Transfer. Your accommodation at Poidih is ready for occupation."

The workman again wrote a letter of protest (Ex.A) on November 18, 1969, this time alleging that the transfer order was being made in order to victimise him for his trade union activities. An extract from the aforesaid letter is herein-after stated:

"I am afraid that the management is trying to victimise me by way of such unjust transfer. As the management does not like to have my affiliation with the Trade Union which the Management does not like."

In spite of this protest the order of transfer was not withdrawn and on the failure of the workman to join at Poidih, the following letter (Ex. 6), dated November 19, 1969, was addressed to the workman by the Manager, Gurimint Colliery:

"I have been informed that you have not yet reported to Manager, Poidih Colliery for your duty there though you were asked to do so as per this office letter No. GD/E.4/5148 of 3rd November, 1969.

Please be informed that you are not only absenting yourself from your duty unauthorisedly but also you are disobeying my lawful order. This is a serious misconduct on your part and if you fail to report to Manager, Poidih Colliery with your notice of transfer immediately, you will make yourself liable for disciplinary action."

Thereupon, the following chargesheet, Ex. 8, was issued to the concerned workman:

"As per this office letter No. *** of 3rd November 1969 you were asked to accept your notice of transfer of 8th November 1969 and to report to the manager, Poidih Colliery on 11th November 1969 at 8 a.m. for your duty there, but you did not do so. This is insubordination on your part.

On 8th November 1969 during morning you reported sick to the colliery M.O. stating that you were sick since the night of 7th November 1969. Colliery M.O. went to see you at your place on 10th November 1969 and again on 11th November 1969 but you were not found there. This shows that you left the colliery premises without obtaining any permission from competent authority and went away.

On 17th November 1969 you produced a medical certificate from an outside Medical practitioner and were declared fit for duty, but you refused to accept your notice of transfer and to report to Manager, Poidih Colliery for your duty there. Again you were issued with this office letter No. *** of 19th November 1969 wherein you were asked to accept your notice of transfer and to report to Manager, Poidih Colliery for your duty there immediately but you have not accepted your notice of transfer as yet.

You have been absenting yourself from your duty unauthorisedly from 17th November 1969 to date and still continuing. This is serious misconduct on your part.

You are, therefore, charged under 27(1) and 27(16) of the Colliery Standing Orders for wilful insubordination and disobedience and continuous absence from duty without permission."

To this chargesheet the workman submitted his following explanation (Ex. 10):

"The charges made against me, are baseless, mala fide and carried with ulterior motive to victimise me only because of my union activities. On receipt of your letter No. GD/S-4/5148, dated 3rd November 1969 I protested at once by my letter, dated 18th November 1969. I did not become (sic) insubordinate.

I fell ill in the night of 7/8th November 1969 and I reported to M.O. for my treatment. I have not been allotted a quarter in the Colliery. I am local man. When I found no body to take care of me in this mess, so I arranged to go home on Sunday (9th November 1969), with the permission of the M.O. It was holiday on 10th November, 1969. Hence it is clear that you have made a point cooking up a story. At my home cold and cough was on increase. I found my self unable

to attend my duty on 11th November 1969 to 18th November 1969. When I was declared fit to resume my duty on 17th November 1969 by the Doctor, I reported for my duty on this same day but I was refused job. This is not the fact that I refused to accept any letter on 17th November 1969.

I received your letter No. KLL/S-4/5432, dated 19th November 1969. I have reported to your letter along with one enclosure.

This is also not the fact that I am absenting myself from 17th November 1969. As I have been reporting to you daily for my job.

Hence I deny the charges and request you to withdraw the chargesheet and allow me to join in my duty with full back wages for the period of forced unemployment."

4. There was a departmental enquiry held into the charges of misconduct in which the workman was present. Four witnesses were examined on behalf of the management. The workman did not cross-examine witnesses Nos. 1 and 2 but was said to have cross-examined witnesses Nos. 3 and 4. He did not himself examine any witness but made a statement himself at the enquiry. The enquiring officer found him guilty of the charges levelled against him and ultimately the Manager of the Girimint Colliery issued a letter of dismissal (Ex. 15) dated January 5, 1970, couched in the following language:

"Further to the letter of charge-sheet No. 14905 dated 28th November 1969 issued to you, a written enquiry was held into the charges levelled against you

We find from the proceedings of the enquiry that full opportunities were given to you for conducting your defence at the enquiry by examining your witness and cross-examining Company's witness and that you fully participated in the enquiry.

We have carefully gone through the records of the enquiry, the connected papers and documents and findings of the enquiry officer and concur with his findings that on the evidence recorded at the enquiry, the charges levelled against you have been sufficiently proved.

The charges levelled against you and proved against you at the enquiry being grave and serious, the punishment warranted is that of dismissal.

In the circumstances, it has been decided to dismiss you from service.

Accordingly you are hereby dismissed from your service with immediate effect. Your final settlement due, if any can be collected by you from the Head Clerk on any working day during working hours."

5. The workmen condemned the enquiry as a pretended enquiry, held in violation of principles of natural justice and further condemned the enquiry report as arbitrary. He claimed reinstatement with full back wages.

6. The management also filed a written statement and later on a rejoinder to the written statement was filed by the workmen. In paragraph 7(iii) of the written statement by the management, it was alleged that in terms of Clause 26 of the Standing Orders, the services of all workmen were transferable. Clause 26 of the Standing Orders is set out below:

"All workmen are liable to be transferred from one department to another or from one colliery to another under the same management provided that such transfer does not cause any prejudice to their wages and other conditions of service and provided that reasonable notice is given of such transfer."

It was further pleaded that the Manager of Poidih Colliery required the services of a Pit Munshi and hence the concerned workman was transferred from Girimint Colliery to Poidih Colliery in the same capacity as a Pit Munshi. In paragraph 7(v) and 7(vi) of written statement, the management pleaded:

"7(v) On receipt of the said order of transfer the workman visited the Poidih Colliery with a view to inspect the quarter that he was to occupy there. He also approved the quarter but as it was later discovered that the said quarter could not be immediately made vacant and available for the occupation by the workman concerned his transfer was kept in abeyance pending the availability of that quarter. The workman was accordingly informed by the Manager's letter of 8th July, 1969.

(vi) Subsequently, when the said quarter became available at the Poidih Colliery for the occupation of the workman concerned, the order of

transfer revived and the workman was directed by the Manager's letter of 3rd November 1969 to report for work to the Manager, Poidih Colliery on or before 11th November 1969.

The management further pleaded that the workman though fit for work did not go on transfer and therefore committed misconduct. He was duly charged with misconduct and dismissed after a proper enquiry.

7. Before I proceed further I need remind myself about the law governing transfer of workman. In the case of *Canara Banking Corporation Ltd. vs. Vittal* (1963) II LLJ 354, the Supreme Court had occasion to deal with transfer of workmen serving under Banking Companies, who were governed by the Sastri Award. There, the Supreme Court observed that excepting in cases where there was a prohibition against transfer of a particular category of staff either absolutely or beyond a particular language area, as in the Sastri Award, "the management of the Bank is in the best position to judge how to distribute its manpower and whether a particular transfer can be avoided or not. It is not possible for industrial tribunal to have before them all the materials which are relevant for the purpose and even if those could be made available, the tribunals are by no means suited for making decisions in matters of this nature. That is why it would ordinarily be proper for industrial adjudication to accept as correct any submission by the management of the bank that an impugned transfer has been made only because it was found unavoidable. The one exception to this statement is where there is reason to believe that the management of the bank resorted to the transfer mala fide, by way of victimisation, unfair labour practice of some other ulterior motive, not connected with the business interests of the bank." Then again, in the case of *Syndicate Bank Limited vs. its workmen*, (1966) I LLJ 440, the Supreme Court observed:

"There is no doubt that the banks are entitled to decide on a consideration of the necessities of banking business whether the transfer of an employee should be made to a particular branch. There is also no doubt that the management of the bank is in the best position to judge how to distribute its employees between the different branches. We are, therefore, of opinion that industrial tribunals should be very careful before they interfere with the orders made by the banks in discharge of their managerial functions. It is true that if an order of transfer is made mala fide, or for some ulterior purpose, like punishing an employee for his trade union activities, the industrial tribunals should interfere and set aside such an order of transfer, because the mala fide exercise of power is not considered to be the legal exercise of the power given by law. But the finding of mala fide should be reached by industrial tribunals only if there is sufficient and proper evidence in support of the finding. Such a finding should not be reached capriciously or on flimsy grounds as the industrial tribunal has done in the present case. This view is borne out by the decision of this Court in *Bareilly Electricity Supply Company Ltd. v. Sirajuddin and others* (1960-I L.L.J. 556)".

In this context I may also refer to a judgment by the High Court of Calcutta in *New India Flour Mills v. Sixth Industrial Tribunal* (1963) I LLJ 745 in which the condition and limitation under which transfer of service of an employee or a workman may be made were summarised in the following language:

- "(a) A transfer of a workman from one department to another or from one job to another cannot be made, if his service conditions or terms of service contract expressly negative the right of such transfer or if the standing orders of the employer prohibit such transfer.
- (b) A transfer must not operate to the prejudice or detriment of a workman, unless expressly authorised. In other words, the transfer must not occasion to a workman economic loss in wages, bonus or other monetary benefits.
- (c) A transfer must not be made by way of punishment, that is to say, there must not be a colourable exercise of the power of transfer of a workman so as to victimise him.
- (d) A transfer of an employee to an inferior position and the imposition of unaccustomed and onerous duty must not be allowed to be made, particularly in unexplained coincidence with the employees' trade union activities.
- (e) It is never the implied condition of service of a workman that the employer has the right to transfer him to a new concern started by the

employer subsequent to the date of the employment of the workman (see *Kundan Sugar Mills v Ziyauddin*—1960, 1 L.L. J. 226)."

Thus it will appear that transfer of an employee is management function and ordinarily the employer has the right to transfer workmen from one operational establishment to another or from one organisation to another organisation of its own, excepting were such transfers are not really transfers but are made with the object of punishing the workman by way of victimisation or unfair labour practice. This being the law on the subject, I have now to examine the arguments advanced on behalf of the workman by Md. Yahya, learned Advocate for the workman.

Md. Yahya contended, in the first place, that the order of transfer was mala fide made upon the workman because the management disliked his trade union activities and wanted to penalise him by sending him out of the area where he was serving as the local Secretary of a trade union. On this point the workman himself deposed. He said:

"I am a member of Colliery Mazdoor Sabha. I am a Secretary of Girmint local branch of Colliery Mazdoor Sabha. I became a member of Colliery Mazdoor Sabha in April 1969. I have a membership card but I cannot produce now. In June or July 1969, I was ordered to be transferred to Poidih colliery. One day Mr. Kopila, Deputy Superintendent, sent for me and chastised me for participating in agitations in the colliery. Although I replied that I was not participating in agitations but was looking after the interest of labourers Mr. Kapila remained unconvinced. Then I received this order of transfer. *From the course of things, I think I was transferred on account of my trade union activities.* (Underlined by me).

Further in course of his examination-in-chief, he stated:

"So far as I know I was transferred only with the object of victimising me."

He also stated in cross-examination:

"According to my idea, I was transferred on account of trade union activities and not for the work of the company."

Apart from this, there are his own assertions in his letters, Ex. A and C to the management to the effect that he was being unjustly victimised by way of transfer for his trade union activities.

9. As an industrial tribunal, I am prepared to take judicial notice of the fact that in the coal belt area almost every colliery has one or more trade union or unions working amongst the workmen in the colliery. Trade union activities are usually the normal part of workers' activities. Unless such activities turn out to be violent or illegal, managements are more or less reconciled with trade union activities now-a-days. Therefore, the mere fact that the concerned workman joined a trade union and became its local Secretary may not, without more, become a ground of annoyance of the management. There is no evidence that as the local Secretary the workman proved his nuisance value to the management. B.N. Lala, who deposed on behalf of the management, denied even the knowledge of the workman's trade union activities. I do not disbelieve him. Having heard the evidence of the workman, I form the idea that the workman was suffering from a good deal of self-importance in being elected as the local Secretary of a Trade union and any order made upon him, which he disliked, was to be attributed to the vendetta of the management for his trade union activities. Apart from his personal opinion that he was victimised by way of transfer for his trade union activities, there is nothing more on which this theory of the workman can be substantiated. The evidence of the workman did not inspire confidence in me and I am not prepared to uphold this argument advanced on behalf of the workmen.

10. Md. Yahya next argued that there was a very short notice given to the workman to go on transfer. So as to penalise him for not complying with such an order of transfer disciplinary action was started against the workman, which was not right. The first order of transfer (Ex. 3) was dated June 23, 1969, and he was given 7 days' time to join his duties at Poidih only 14 or 15 miles away from Girmint colliery. This order was kept in abeyance for sometime. By the second order (Ex. 5), dated 3rd November, 1969, he was asked to report to the Manager of Poidih Colliery on or before November 11, 1969. I do not think that the period of 7 or 8 days notice to go on transfer was necessarily much too short a notice. Moreover, if the workman was troubled by the shortness of notice he might have asked for extension of time, but he never did so. He challenged the transfer itself and never grumbled about the shortness of time given to him to join at the new station, where he was transferred.

11. The third point argued by Md. Yahya was that the enquiry was not conducted properly or with full regard to rules of natural justice. In developing this argument he merely contended that the workman was not given opportunity to cross-examine the witnesses examined on behalf of the management. This is also the evidence of the workman himself. The enquiry proceedings are marked Ex. 12. Witness Nos. 1 and 2, examined on behalf of the management, namely, G. Das and Muktipada Mukherjee, were not cross-examined by the workman. There is an endorsement to that effect by the enquiry officers, at the bottom of the deposition sheet. The deposition sheets, however, show that he cross-examined the management's witness Nos. 3 and 4, Madan Mohan Chatterjee and Dr. K. C. Pal. The workman, however, did not put his signature on any of the sheets either in token of declining to cross-examine or in token of cross-examination. He himself made a statement at the enquiry and put his signature below his own statement. Apart from what appears from the records, the workman also stated in his deposition that he was not allowed to cross-examine any of the witnesses produced by the management. It is strange that he did not make this protest earlier. He never wrote to the Enquiring Officer any letter stating that witnesses for the management were examined in his presence but he was debarred from cross-examination. His evidence does not inspire confidence and I am not prepared to believe him in this respect.

12. In my opinion the order of transfer issued upon the workman was in usual course of business of the company and in usual course of distribution of the manpower employed by the employer company. By refusing to go on transfer, he committed the misconduct he was charged with. The enquiry was properly held with due regard to the rules of natural justice and he was properly dismissed.

13. Before I leave this case, I have to deal with a point argued by Mr. Narsingh. Advocate, last of all. He submitted that the dispute over the dismissal of the concerned workman was never taken up before the management. He invited my attention to the copy of the record of the Conciliation Officer, which was forwarded by the Government to this Tribunal. It appears from the record that, on January 1, 1970, Sri Robin Chatterjee, Vice-President of the Colliery Mazdoor Sabha addressed the following letter to the Assistant Labour Commissioner (C), Asansol:—

"SUBJECT.—Unjust transfer and victimisation of Sri Prafulla Kumar Chakravarty by the management of Girimint Colliery under M/s. Bengal Coal Co. Ltd.

Dear Sir,

Shri Prafulla Kumar Chakravarty, Pit Munshi, Girimint Colliery is an active member of the Colliery Mazdoor Sabha, Raniganj. The management in order to victimise him transferred him to Poidih Colliery. The action of the management is totally unjustified and motivated.

Hence you are requested to take immediate steps to cancel the transfer order and see that he is allowed to join his duty at Girimint Colliery with full compensation for the period of force idleness."

Again, on January 9, 1970, the Secretary of the aforesaid Mazdoor Sabha wrote another letter to the Assistant Labour Commissioner, Asansol, couched in the following language:

"The above dispute was sent to you on 2nd January, 1970 for conciliation and conciliation proceedings was fixed on 19th January, 1970 vide letter No. E.W/3(7)/70, dated 6th January, 1970. The management instead of settling the dispute dismissed him. This action is totally illegal and this has further aggravated the situation."

The conciliation failed and proved infructuous and thereupon a failure report was submitted by the Assistant Labour Commissioner to the Government. In this way, the reference of the dispute was made to this Tribunal. Mr. Narsingh, learned Advocate for the management, relied upon a decision of the Supreme Court in *Sindhu Resettlement Corporation vs. Industrial Tribunal, Gujarat AIR 1968 SC 525*, in which the Supreme Court was pleased to observe that a demand by the workman must be raised first on the management and rejected by them before an industrial dispute can safely arise and that the making of such a demand to the Conciliation Officer and its communication to the management, who rejected the same, was not sufficient to constitute an industrial dispute. As a proposition of law the contention of Mr. Narsingh must be upheld. But on facts I have doubts that the dispute was not raised before the management at all. The workman

wrote several letters to the management, the receipt of which of course the management denied. I do not feel myself in a position to hold, on the evidence, that the management was totally ignorant of the dispute, before it reached the Conciliation Officer. I do not therefore make much of this argument.

14. In the result, I hold that the management of Girimint Colliery was justified in dismissing Prafulla Kumar Chakravorty, Pit Munshi, with effect from 5th January, 1970. The workman is, therefore, not entitled to any relief.

This is my award.

(Sd.) B. N. BANERJEE,

August 13, 1970

Presiding Officer.

[No. 6/7/70-LRII.]

S.O. 2937.—Whereas an industrial dispute exists between the management of Bankola Colliery of Messrs Burrakur Coal Company Limited, Post Office Ukhra, District Burdwan (hereinafter referred to as the said employers) and their workmen represented by the Colliery Mazdoor Sabha (AITUC-R) Post Office Asansol, District Burdwan (hereinafter referred to as the union);

And whereas the said employers and the union have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement.

Agreement

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

NAME OF THE PARTIES:—

Representing employers.—(1) Shri S. N. Saigal, Personnel Officer, Bankola Colliery P.O. Ukhra, Dist. Burdwan, (2) Shri J. Saran, Personnel Officer (Zone-R) Bankolla Colliery, P.O. Ukhra, Distt. Burdwan.

Representing workmen.—Shri Sunil Sen, Org. Secretary Colliery Mazdoor Sabha, G.T. Road, P.O. Asansol (Burdwan).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri K. Sharan, Regional Labour Commissioner (Central), Asansol.

(i) Specific matters in disputes.

“What should be the nucleus (permanent) strength of the Wagon loaders of Bankola Colliery of M/s. Burrakur Coal Co. Ltd., P.O. Ukhra, Distt. Burdwan.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

Bankola Colliery of M/s. Burrakur Coal Co. Ltd., P.O. Ukhra, Distt. Burdwan.

(iii) Name of the union, if any representing the workmen in question.

Colliery Mazdoor Sabha (AITUC), P.O. Asansol, Distt. Burdwan.

(iv) Total number of workmen employed in the undertaking affected.

150 (approx.).

(v) Estimated Number of workmen affected or likely to be affected by the dispute.

150 (approx.).

We further agree that the majority decisions of the arbitrators, shall be binding on us in case the arbitrators are equally divided in their opinion, they shall appoint another persons as Umpire whose award shall be binding on us.

The arbitrator shall make his award within a period of 2 (two) months or within such further time as is extended by the mutual agreement between us in writing. In case the Award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties:

Representing Employer:—

1. Sd/- Illegible,

10-7-70.

2. Sd/ Illegible,

15-7-70.

Representing Workmen.

1. Sd/- Illegible,

15-7-70.

Witnesses:

1. Sd/- Illegible.

2. Sd/- Illegible.

[No. 8/118/70-LRII.]

नई दिल्ली, 29 अगस्त, 1970

का० प्रा० 2937 यतः मेसर्स बुरंकर कोल कम्पनी लिमिटेड, डाकघर, उखरा, जिला बर्दवान की बंकोला कोयला खान के प्रबन्धतंत्र (जिसे इसमें इसके पश्चात् उक्त नियोजक कहा गया है) और उनक कर्मकारों, जिनका प्रतिनिधित्व कोलियरी मजदूर सभा (ए० आई० टी० यू० सी० प्रार०) डाकघर आसनसोल, जिला बर्दवान (जिसे इसमें इसके पश्चात् संघ कहा गया है) करती है; के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः उक्त नियोजकों और संघ ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें विनिर्दिष्ट व्यक्ति के माध्यस्थम् के लिए निरदिष्ट करने का करार कर लिया है और उक्त करार की एक प्रति केन्द्रीय सरकार को भेजी गई है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के अनुसरण में केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 24 जुलाई, 1970 को प्राप्त हुआ था, एतद्वारा प्रकाशित करती है ।

प्ररूप ग

(नियम 7 देखिए)

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व करने वाले :—

- (1) श्री एस०० ऐत० सिंहगल, कार्मिक अधिकारी,
बंकोला कोयला खान, डाकघर उखरा,
जिला बर्दवान
- (2) श्री जे० सरन, कार्मिक अधिकारी
(जोन-भार) बंकोला कोयला खान,
डाकघर, उखरा,
जिला बर्दवान ।

कर्मकारों का प्रतिनिधित्व करने वाले :—

- (3) श्री सुनील सेन,
संगठन सचिव,
कोलियरी मजदूर सभा,
जी० टी० रोड, डाकघर
आसनसोल (बर्दवान) ।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को एतद्वारा श्री के० शर्मा, प्रादेशिक श्रमआयुक्त (सी), आसनसोल के माध्यम से के लिए निर्देशित करने का करार किया गया है :—

(i) विनिर्दिष्ट विवादप्रसंग विषय

“मैसर्स बुर्रकुर कोल कं० लिमिटेड, डाकघर उखरा, जिला बर्दवान की बंकोला कोयला खान के मालबिब्बा लादने वालों की केन्द्रक (स्थायी) सख्या क्या होनी चाहिए ?”

(ii) विवाद के पक्षकारों का व्यौरा, जिसमें अन्तर्बलित स्थापन या उपक्रम का नाम और पता भी सम्मिलित है

मैसर्स बुर्रकुर कोल कं० लिमिटेड, डाकघर उखरा, जिला बर्दवान की बंकोला कोयला खान ।

(iii) यदि कोई संघ प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम कोलियरी मजदूर सभा (ए० आई० टी० यू० सी) डाकघर आसनसोल, जिला बर्दवान ।

(iv) प्रभावित उपक्रम में नियोजित कर्मकारों की कुल संख्या . . 150 (लगभग)

(v) विवाद द्वारा प्रभावित या संभाव्यता : प्रभावित होने वाले
कर्मकारों की प्राक्कलित संख्या . . 150 (लगभग)

हम यह करार भी करते हैं कि मध्यस्थों का बहुमत विनिश्चय हम पर आबद्धकर होगा। यदि मध्यस्थों की राय बराबर-बराबर विभाजित हो, तो वे किसी अन्य व्यक्ति को अधिनियमित नियुक्त करेंगे जिसका पंचाट हम पर आबद्धकर होगा।

मध्यस्थ अगला पंचाट 2 (दो) मास की कालावधि के भीतर या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाये, देगा। यदि पूर्व वर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थ्य के लिए निर्देश स्वतः रह जायेगा और हम नए माध्यस्थ्य के लिए बातचीत करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर :—

नियोजकों का प्रतिनिधित्व करने वाले		कर्मकारों का प्रतिनिधित्व करने वाले	
1.	ह०	1.	ह०
2.	ह०	साक्षी	
		1.	ह०
		2.	ह०

[सं० 8/118/70-एल० आर०]

ORDERS

New Delhi, the 14th August 1970.

S.O. 2938.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Katras Choitudih Colliery of Messrs Burrakar Coal Company Limited, Post Office Sijua (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central

Government Industrial Tribunal (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Katras Choitudih Colliery of Messrs Burrakar Coal Company Limited, rendered Shri Yakub Mian, Mechanical fitter idle with effect from the 15th October, 1968 to the 23rd October, 1968? If so, to what relief is the workman entitled?"

[No. 2/51/70-LR.II.]

आदेश

नई दिल्ली, 14 अगस्त, 1970

का० आ० 2938.—यतः, केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मेसर्स बुर्रकुर कोल कम्पनी लिमिटेड, डाकघर मिजुआ (धनवाद) की कटरा चोइडुडिह कोयला खान के प्रबन्धनत्वसे सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनिय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधि-करण (सं० 3) धनवाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मेसर्स बुर्रकुर कोल कम्पनी लिमिटेड, डाकघर मिजुआ (धनवाद) की कटरा चोइडुडिह कोयला खान के प्रबन्धनत्व ने श्री याकूब मिया, यांत्रिक फिटर को 15 अक्तूबर, 1968 से 23 अक्तूबर, 1968 तक बेकार रक्खा? यदि हाँ, तो कर्मकार किस अनुतोष का हकदार है?"

[सं० 2/51/70-एल० आर० 11]

S.O. 2939.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kustore Colliery of Messrs Raneegunge Coal Association Limited, Post Office Kustore, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 16 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central

Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Kustore Colliery of Messrs Raneegunge Coal Association Limited, Post Office Kustore, District Dhanbad, in stopping Shri Dukhan Paswan, Tyndel Mazdoor, from work with effect from the 28th February, 1970 was justified? If not, to what relief is the workman entitled?"

[No. 2/78/70-LRII.]

का० आ० 2939.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स रानीगंज कोल एसोसिएशन लिमिटेड, डाकघर कुस्तोर, जिला धनबाद की कुस्तोर कोयला खान के प्रबन्धता से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7—क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (बं० 3) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मैसर्स रानीगंज कोल एसोसिएशन लिमिटेड, डाकघर कुस्तोर, जिला धनबाद की कुस्तोर कोयला खान के प्रबन्धता की श्री दुखन पासवान, टिडल मजदूर को 28 फरवरी, 1970 से काम से रोकने की कार्यवाही न्यायोचित थी? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?"

[सं० 2/78/70—एल० आर० II]

S.O. 2940.—Where the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed.

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Madhuband Colliery Post Office Nudkhurkee, District Dhanbad, in dismissing Shri J. P. Sachar, Deputy Overman, with effect from the 30th April, 1970, was justified? If not, to what relief is the workman entitled?"

[No. 2/97/70-LRII.]

का० आ० 2940-यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मधुबन्द कोलियरी, डाकघर नुदखुर्की जिला धनबाद के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (स० 2) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

[अनुसूची

'क्या मधुबन्द कोलियरी, डाकघर नुदखुर्की, जिला धनबाद के प्रबन्धतन्त्र की श्री जे० पी० सन्धर, उप ओवरमैन को 30 अप्रैल, 1970 से पदच्युत करने की कार्यवाही न्यायोजित थी ? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है ।

[स० 2/97/70-एल० आर० II]

S.O. 2941.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Singareni Collieries Company Limited, Post Office Kothagudam Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri T. Chandrasekhara Reddy, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-I, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Having regard to the nature of duties performed by Sarvashri K. Bhavani Shankar, V. V. K. David, D. Balasubramaniam, K. K. Nair, John Benton and K. Venkata Raju, Number Takers, Central Screening Plant, Mandamari Division, Singareni Collieries Company Limited, whether the management of Singareni Collieries Company Limited, Belampalli is justified in not placing the workmen in grade II (Clerical). If not, to what relief these workmen are entitled and from what date?"

[No. 7/19/69-L.R.II.]

का० आ० 2941.-यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सिंगरेनी कोलियरीज कम्पनी, लिमिटेड, डाकघर कोठागुडम कोलियरीज (आन्ध्र प्रदेश) के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री टी० चन्दशेखर रेड्डी होंगे, जिनका मुख्यालय अफजल लॉज, तिलक रोड, रामकोट हैदराबाद-1 होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या सर्वश्री के० भवानी शंकर, बी० बी० के डेविड, डी० बालसुब्रमनियम, के० के० नायर, जॉन बटन और के० बेकटराज, नम्बर टेकर, सेन्ट्रल स्क्रिनिंग प्लांट, मडमारी डिवाजन, सिगरेनी कोलियारीज कम्पनी लिमिटेड द्वारा की जाने वाली श्रृष्टियों की प्रकृति को ध्यान में रखते हुए, सिगरेनी कोलियारीज कम्पनी लिमिटेड, बेलभगल्ली के प्रबन्धतंत्र का कर्मचारियों को श्रेणी 2 (लिपकीय) में न रखना न्यायोचित है? याद नहीं, तो ये कर्मकार किस अनुतोष के और किस तारीख से हकदार हैं?”

[सं० 7/19/69-एल० आर० II]

New Delhi, the 18th August 1970

S.O. 2942.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Madhuband Colliery belonging to Oriental Coal Company Limited, Post Office Nudkharkee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Madhuband Colliery belonging to Oriental Coal Company Limited, Post Office Nudkharkee, District Dhanbad, in dismissing Sarvashri Girija Gope, Loknath Gope and Ramnandan Mahato, Miners with effect from the 11th August, 1969, was justified? If not, to what relief are they entitled?”

[No. 2/27/70-LRII.]

नई दिल्ली, 18 अगस्त, 1970

का० आ० 2942.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में ओरियंटल कोल कम्पनी लिमिटेड डाकघर नुदखुर्की, जिला धनबाद की मधुबन्ध कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 क उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा

उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या ओरियंटल कोल कंपनी लिमिटेड, डाकघर नुदखुर्की, जिला धनबाद की मधुबन्द कोयला खान की सर्वश्री गिरिजा गोप, लोकनाथ गोप और रामनन्दन महतो, खनिकों को 11 अगस्त, 1969 से पदच्युत करने की कार्यवाही न्यायोचित थी? यदि नहीं, तो वे किस अनुतोष के हकदार हैं?”

[सं० 2/27/70-एल आर० II]

New Delhi, the 19th August 1970

S.O. 2943.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Hindusthan Lalpeth Colliery belonging to the Perfect Pottery Company Limited, Post Office Chandrapur, District Chandrapur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

- “(i) Whether the management of Hindusthan Lalpeth Colliery belonging to the Perfect Pottery Company Limited, Post Office Chandrapur, District Chandrapur is justified in not maintaining a permanent nucleus of 32 wagon loaders? If not, what should be the permanent strength of wagon loaders in the colliery and to what relief are the temporary wagon loaders entitled and from what date?
- (ii) Whether the said management is justified in not granting sick leave wages and train fare in accordance with the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India in their Resolution No. WB-16(5)/66 dated the 21st July, 1967? If not, to what relief are the workmen entitled and from what date?”

[No. 1/18/70-LRII.]

[नई दिल्ली, 19 अगस्त, 1970]

का० आ० 2943.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में दि परफैक्ट पांटर्री कंपनी, लिमिटेड, डाकघर चन्द्रपुर, जिला चन्द्रपुर की हिन्दुस्तान लाल्पेठ कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

- (i) क्या दि परफेक्ट पांठरी कम्पनी, लिमिटेड, डाकघर चन्द्रपुर, जिला चन्द्रपुर की हिन्दुस्तान लालपेठ कोयला खान के प्रबन्धतंत्र का 32 वेगन लादने वालों का स्थायी केन्द्रक न बनाए रखना न्यायोचित है ? यदि नहीं, तो कोयला खान में वेगन लादने वालों का स्थायी संख्या क्या होनी चाहिए और अस्थायी वेगन लादने वाले किस केन्द्रीय अनुतोष के और किस तारीख से हकदार हैं ।
- (ii) क्या उक्त प्रबन्धतंत्र का भारत सरकार द्वारा अपने संकल्प सं० डब्ल्यू.बी० 16(5)166 तारीख 21 जुलाई, 1967 में यथा प्रतिगृहित मजदूरी बोर्ड की कोयला खान उद्योग के लिए की गई सिफारिशों के अनुसार बिमारी की छुट्टी की मजदूरी और रेल भाड़ा न देना न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष के और किस तारीख से हकदार हैं ?”

(सं० 11/870 एल० ग्रा० II)

S.O. 2944.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of West Kailudih Colliery, Post Office Katrasgarh, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of West Kailudih Colliery, Post Office Katrasgarh, District Dhanbad is justified in not introducing wage structure and other benefits in accordance with the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government in their Resolution No. W.B. 16 (15)/66, dated the 21st July, 1967? If not, what should be the Wage structure and other benefits in respect of the workmen concerned and from what date?”

[No. 2/16/70-LRII.]

का० ग्रा० 2944 —यतः केन्द्रीय सरकार की राय है कि इससे उभावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में पश्चिम कैलुडिह कोयला खान, डाकघर कतरासगढ़, जिला धनबाद के प्रबन्धतंत्र से सम्बद्ध निरोजतां और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3) धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या पश्चिम कैलुडिह कोयला खान, डाकघर कतरासगढ़, जिला धनबाद के प्रबन्धतंत्र का सरकार द्वारा अपने संकल्प सं० डब्ल्यू.बी० 16(15)166 तारीख 21 जुलाई, 1967 में यथा प्रतिगृहीत केन्द्रीय मजदूरी बोर्ड की कोयला खान उद्योग के लिए की गई सिफारिशों के अनुसार मजदूरी

संरचना और अन्य फायदों को आरम्भ न करना न्यायोचित है ? यदि नहीं, तो सम्बंधित कर्मकारों के बारे में वेतन संरचना और अन्य फायदे क्या हूँदे चाहिए और किस तारीख से ?”

(सं० 21/6/70 एल आर० 11)

S.O. 2945.—Whereas the Central Government is of opinion that an industrial dispute exists between Shri Chandan Mal Jain, Managing Contractor of Golden Sinidih Colliery, Post Office Nawagarh, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of Shri Chandan Mal Jain, Managing Contractor of Golden Sinidih Colliery, Post Office Nawagarh, District Dhanbad, in stopping Shri Rama Murtu Singh, Munshi, with effect from the 17th December, 1969, from work is justified? If not, to what relief is he entitled?”

[No. 2/30/70-LRII.]

का आ० 2945 यत : केन्द्रीय सरकार की राय है कि इसके उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में गोल्डन सिनिडिह कोलियरी, डाकघर नवागढ़, जिला धनबाद के प्रबन्ध संविदाकार, श्री चंदन मल जैन, और उसके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यत : केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3), धनबाद को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

“क्या गोल्डन सिनिडिह कोलियरी, डाकघर नवागढ़, जिला धनबाद के प्रबन्ध संविदाकार, श्री चंदन मल जैन की श्री राम मूरत सिंह, मुंशी को 17 दिसम्बर, 1969 से काम से रोकने की कार्यवाही न्यायोचित है ? यदि नहीं, तो वह किस अनुतोष का हकदार है ?

(सं० 2/30/70/एल आर० 11)

S.O. 2946.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Khajriwala and Brothers, Selling Agent of Central Tasra Colliery, Post Office Jharla, District Dhanbad, and their workmen in respect of the matters specified in the Schedule, hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether Messrs Khijriwala and Brothers, Selling Agent of Central Tasra Colliery, Post Office Jharla, District Dhanbad, are justified in stopping their workman Shri Dilbodh Singh, Depot Chhapraasi from work with effect from the 27th October, 1969? If not, to what relief is the workman entitled?"

[No. 2/39/70-LR.II.]

५१० आ० २९४६—यतः केन्द्रीय सरकार की यह राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सेन्ट्रल तसरा कोलियरी, डाकघर भरियां, जिला धनबाद के विक्रय अभिकर्ता मैसर्स खिजरी वाला एंड ब्रदर्स के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारी के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद, अधिनियम, १९४७ (१९४७ का १४) की धारा १० की उपधारा (१) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा ७-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० ३) धनबाद को न्यायनिर्णयन के लिए निर्दिष्ट करती है ।

अनुसूची

"क्या सेन्ट्रल तसरा कोलियरी, डाकघर भरियां, जिला धनबाद के विक्रय अभिकर्ता मैसर्स खिजरी वाला एंड ब्रदर्स को अपने कर्मकार श्री दिल बोध सिंह, डी० पो० चपरासी को २७ अक्टूबर, १९६९ से काम से रोकना न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुरोध का हकदार है ?"

[सं० २/३९/७० एल० आर ']

S. O. 2947 —Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jealgorah Govindpur Colliery of Messrs Jealgorah Govindpur Colliery Company, Post Office Sonardih, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Jealgorah Govindpur Colliery of Messrs Jealgorah Govindpur Colliery Company, Post Office Sonardih, District Dhanbad in stopping the following 73 workmen with effect from the 27th January, 1970 is justified ? If not, to what relief are they entitled ?

Sl. No.	Name	Designation
1.	Shri Pelu Kora	Miner
2.	" Pran Kora	"
3.	" Ishan Kbra	"

Sl. No.	Name	Designation
3.	Shri Ishen Kora	Miner
4.	" Mathura Kora	"
5.	" Akhoo Kora	"
6.	" Khudu Rai	"
7.	" Biju Kora	"
8.	" Gopi Bhuiya	"
9.	" Kedar Bhuiya	"
10.	" Nanku Bhuiya	"
11.	" Gidhari Bhuriya	"
12.	" Parmeshwar Bhuiya	"
13.	" Sheo Lal Bhuiya	"
14.	" Mahabir Bhuiya	"
15.	" Churan Bhuiya	"
16.	" Arun Bhuiya	"
17.	" Mahesh Singh	"
18.	" Sheo Balak Singh	"
19.	" Jiwan Kora	"
20.	" Kista Kora	"
21.	" Rasik Kora	"
22.	" Rathu Kora	"
23.	" Chibu Rai	"
24.	" Kishun Kora	"
25.	" Chatish Kora	"
26.	" Bhola Kora	"
27.	" Gahnu Kora	"
28.	" Karma Kora	"
29.	" Sashi Kora	"
30.	" Puron Kora	"
31.	" Rohan Kora	"
32.	" Sarbesh Kora	"
33.	" Shyam Lal Rai	"
34.	" Bishun Bhuiya	"
35.	" Kaila Bhuiya	"
35.	" Kaila Bhuiya	"
36.	" Jhari Bhuiya	"
37.	" Gokul Bhuiya	"
38.	" Rohan Bhuiya	"
39.	" Ganesh Bhuiya No. 1	"
40.	" Ganesh Bhuiya No. 2	"
41.	" Kalu Bhuiya	"
42.	" Kewal Bhuiya	"
43.	" Sohrai Bhuiya	"
44.	" Dahu Bhuiya	"
45.	" Bhola Bhuiya	"
46.	" Kishun Bhuiya	"
47.	" Soma Bhuiya	"
48.	" Sita Ram Bhuiya	"
49.	" Chedi Bhuiya	"
50.	" Nandu Bhuiya	"
51.	" Paltoo Kora	"
52.	" Pengha Kora	"
53.	" Subash Kora	"
54.	" Jhabu Kora	"
55.	" Sahdeo Kora	"
56.	" Bhukhal Kora	"
57.	" Bastam Kora	"
58.	" Rakhal Kora	"
59.	" Phulchand Turi	"

Sl. No.	Name	Designation
60.	Shri Chetlal Turi	Miner
61.	„ Bhudhan Turi	„
62.	„ Kule Bhuiya	„
63.	„ Jaldhari Bhuiya	„
64.	„ Sanu Bhuiya	„
65.	„ Birat Bhuiya	„
66.	„ Mangar Bhuiya	„
67.	„ Bhuwan Bhuiya	„
68.	„ Sokha Singh	„
69.	„ Ram Kishun Dhobi	Line Coolie
70.	„ Gauri Dhobi	„
71.	„ Jhari Dhobi	Chain man
72.	„ Radhu Mondal	Bailing Collic
73.	„ Lakhan Mondal	„

[No. 2/41/70-LR-II.]

का० प्रा० 2947.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स जीलगोराह गोविन्दपुर कोलियारी कंपनी, डाकघर सोनाराइड, जिला धनबाद की जीलगोराह गोविन्दपुर कोयलाखान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या मैसर्स जीलगोराह गोविन्दपुर कोलियारी कंपनी, डाकघर सोनाराइड, जिला धनबाद की जीलगोराह गोविन्दपुर कोयलाखान के प्रबन्धतंत्र की निम्नलिखित 73 कर्मचारों को 27 जनवरी, 1970 से काम से रोकने को कार्यवाही न्यायोचित है ? यदि नहीं तो किस अनूतोष के हकदार है ?

क्रम सं.	नाम	पदनाम
1	श्री पेलु कोरा	खनक
2	„ प्रणकोरा	„
3	„ इशन कोरा	„
4	„ मथुरा कोरा	„
5	„ आखू कोरा	„
6	„ खुदु राय	„
7	„ बीजू कोरा	„

क्रम सं०	नाम	पदनाम
8	श्री गोपी भुइया	खनक
9	केदार भुइया	"
10	ननकु भुइया	"
11	गिरधारी भुइया	"
12	परमेश्वर भुइया	"
13	शिवलाल भुइया	"
14	महावीर भुइया	"
15	चरन भुइया	"
16	अर्जुन भुइया	"
17	महेश सिंह	"
18	शिव बालक सिंह	"
19	जीवन कोरा	"
20	किस्ता कोरा	"
21	रसिक कोरा	"
22	राठु कोरा	"
23	शिवु राम	"
24	किशुन कोरा	"
25	चत्तीश कोरा	"
26	भोला कोरा	"
27	गहन कोरा	"
28	कर्मा कोरा	"
29	राशि कोरा	"
30	पूरन कोरा	"
31	रोहन कोरा	"
32	सर्वेश कोरा	"
33	श्यामलाल राय	"
34	विशुन भुइया	"
35	केला भुइया	"
36	झरी भुइया	"
37	गोकुल भुइया	"
38	रोहन भुइया	"
39	गनेश भुइया सं० 1	"
40	गनेश भुइया सं० 2	"
41	काली भुइया	"
42	केवल भुइया	"
43	सोहराय भुइया	"
44	दाहु भुइया	"
45	भोला भुइया	"

क्रम सं०	नाम	पदनाम
46	श्री किशुन भुइया	खनक
47	„ सीमा भुइया	„
48	„ सीता राम भुइया	„
49	„ छेडी भुइया	„
50	„ नन्दु भुइया	„
51	„ श्री पल्लु कोरा	„
52	„ पेंधा कोरा	„
53	„ सुबाश कोरा	„
54	„ मधु कोरा	„
55	„ सहदेव कोरा	„
56	„ भुखल कोरा	„
57	„ बस्तम कोरा	„
58	„ रखल कोरा	„
59	„ फुलचन्द तुरी	„
60	„ चेत लाल तुरी	„
61	„ भुधन तुरी	„
62	„ कुले भुइया	„
63	„ जलधारी भुइया	„
64	„ सानु भुइया	„
65	„ बिराट भुइया	„
66	„ मंगर भुइया	„
67	„ भुधन भुइया	„
68	„ सोखा सिंह	„
69	„ राम किशुन घोषी	लाईन कुली
70	„ गौरी घोषी	„
71	„ झरी घोषी	चेन मैन
72	„ राघु मोंडल	बेलिग कुली
73	„ लखन मोंडल	„

[सं० 2/41/70-एल० आर० II]

New Delhi, the 20th August 1970

S.O. 2948.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Nimcha Colliery Post Office Jaykaynagar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of East Nimcha Colliery, Post Office Jaykaynagar, District Burdwan was justified in terminating the services of Sarvasiri Ajit Singh, Overman, Ramjee Singh, Overman, Bhalraj Singh, Mazdoor Sirdar, Surendra Sharma, Lamp Room Incharge, Raghubans Misra, Coal Cutting Machine Fitter, Birbal Mallah, Body Checker, Mohammad Sadique Khan, Loader, Rameswar Sharma, Pit Munshi, Ramchandra Sharma, Bill Clerk, Bankateswar Singh, Office Clerk, Sachtanand Singh, Attendance Clerk, Upendra Singh, Bill Clerk, Mahesh Prasad Sharma, Banker Munshi, Rabindra Kumar Sharma, Pit Munshi, Ram Naresh Singh, Workshop Fitter, Naresh Singh, Loco Driver, Sudhakar Roy, Loco Driver, Lahari Singh, Night Guard, Krishnanand Sharma, Haulage Khalasi, Hardeo Singh, Banker Checker, Jagannath Singh, On-setter, Madan Dhari Singh, Banksman, Ram Chandra Dusad, Surface Trammer, Sitaram Paswan, Surface Trammer, Suresh Singh, Coal Cutting Machine Fitter and Maheswar Dayal Chaturvedi, Munshi of East Nimcha Colliery from the 13th February, 1970? If not, to what relief are these workmen entitled?"

[No. 6/20/70-LRII.]

नई दिल्ली, 20 अगस्त, 1970

का० प्रा० 2948 :—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में पूर्व निमचा कोयला खान, डाकघर जेकेनगर, जिला बर्दवान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वाछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या पूर्व निमचा कोयला खान, डाकघर जेकेनगर, जिला बर्दवान के प्रबन्धतंत्र का 13 फरवरी, 1970 से सर्वश्री अजीत सिंह, ओवरमैन, रामजी सिंह, ओवरमैन, भैरव सिंह, मजदूर सरदार, सुरेन्द्र शर्मा, दीपधर भारमाधक, रघुवंश मिश्रा, कोयला कर्तन मशीन फिटर, बीरबजर मल्लाह, बौंड़ी चकर, मोहम्मद सदीक खां, लादने वाला, रामेश्वर शर्मा, पिट मुंशी, रामचन्द्र शर्मा, बिल लिपिक, बेकटेश्वर सिंह, कार्यालय लिपिक, सचिदानन्द सिंह, हाजिरी लिपिक, उपेन्द्र सिंह, दिल लिपिक, महेश प्रसाद शर्मा, बैकर मुंशी, रविन्द्र कु० शर्मा, पिट मुंशी, रामनरेश सिंह, कारखाना फिटर, नरेशसिंह, लोको चालक, सुधाकर राय, लोको चालक, लहरी सिंह, रात्रि रक्षक, कृष्णानन्द शर्मा, ठुलाई खलामी, हरदेव सिंह, बैकर चकर, जगन्नाथ सिंह, ऑन सेटर, मदनधारी सिंह, बैकमैन, राम चन्द्र दुसद, धरातल ट्रैमर, सीताराम पासवान, धरातल ट्रैमर, सुरेश सिंह, कोयला कर्तन मशीन फिटर और महेश्वर दयाल चतुर्वेदी, पूर्व निमचा कोयला खान का मुंशी को सेवाओं को समाप्त करना न्यायोचित था? यदि नहीं तो ये कर्मकार किस अनुवोध के हकदार हैं।

[द० न/20/70-एल० आर० II.)

New Delhi, the 21st August 1970

S.O. 2949.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Patmohana Colliery of Messrs Patngbana

and Bharatchak Collieries Private Limited, Post Office Sitarampur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of Patmohana Colliery of Messrs Patmohana and Bharatchak Collieries Private Limited, Post Office Sitarampur, District Burdwan was justified in dismissing/ discharging from services the undermentioned workmen from the respective dates shown against each? If not, to what relief are these workmen entitled?"

Sl. No.	Name	Designation	Date of dismissal/ discharge
1	Shri Panchan Rajbhar	Miner	16-9-69
2	Shri Makhanju Rajbhar	Do.	13-9-69
3	Shri Sadru Rajbhar	Do.	4-10-69
4	Shri Ramdas Rajbhar	Do.	19-9-69
5	Shri Baiju Rajbhar	Do.	13-9-69
6	Shri Kashinath Rajbhar	Do.	13-9-69
7	Shri Lochan Gowala	Do.	19-9-69
8	Shri Modenarayan Jha	Stone Dusting Mazdoor	7-10-69
9	Shri Shyam Kishore Jha	Do.	8-10-69
10	Shri Patiram Pandey	Prop Mistry	9-8-69
11	Shri Mangru Mahato	Trammer	17-7-69
12	Shri Tribeni Choudhury	Do.	4-10-69
13	Shri Mukti Nath Mishra	Mining Sirdar	9-9-69
14	Shri A. T. Banerjee	Despatch Clerk	30-8-69
15	Shri Jitendra Nath Tewari	Dy. Overman	1-9-69
16	Shri Sheonath Rajbhar (No. 4)	Miner	8-10-69
17	Shri Sankar Rajbhar	Do.	4-10-69
18	Shri Jagga Gowala	Trammer	9-9-69
19	Shri Lachman Gowala	Body Checker	3-10-69
20	Shri Ramlayak Singh	H/Khalasi	7-10-69
21	Shri Gariba Singh	Trammer	4-10-69
22	Shri K. N. Mishra	Munshi	28-8-69
23	Shri Navkant Jha	Spray Mazdoor	10-10-69
24	Shri Dharamnath Singh	Trammer	5-1-70
25	Shri Sahbir Gowala	Miner	13-9-69
26	Shri Balli Gowala	Do.	8-10-69
27	Shri Samoo Rajbhar	Do.	19-9-69
28	Shri Munna Gowala	Do.	16-9-69
29	Shri Satiram Rajbhar	Genl. Mazdoor	4-9-69
30	Shri S. N. Pandey	Register Keeper	22-7-69
31	Shri Ramshanker Tewari	Munshi	22-7-69
32	Shri G. C. Tewari	Attendance clerk	7-10-69
33	Shri Belidhan Tewari	Register keeper	11-7-69
34	Shri Naresn Tewari	Elec. Mazdoor	4-10-69
35	Shri R. P. Pandey	Bill clerk	9-9-69
36	Shri Awadh Rajbhar	Trammer	13-9-69
37	Shri Ch. Kumar Rajbhar	T/Mazdoor	7-10-69
38	Shri Kauri Rajbhar	Genl. Mazdoor	13-9-69
39	Shri Ramsurat Rajbhar	Do.	24-9-69
40	Shri Bara Biswanath Rajbhar	Line Mazdoor	7-10-69

Sl. No.	Name	Designation	Date of dismissal/discharge
41	Shri Ghamari Gowala	Genl. Mazdoor	19-9-69
42	Shri Biswanath Gowala	Do.	3-9-69
43	Shri Ch. Satiram Rajbhar	Do.	4-9-69
44	Shri Khurchalu Rajbhar	Trammer	13-9-69
45	Shri Bihari Gowala	Do.	9-9-69
46	Shri Bhulu Gowala	Do.	13-9-69
47	Shri Rajdeo Rajbhar	Do.	8-10-69
48	Shri Gariban Rajbhar	Do.	10-10-69
49	Shri Chithuru Gowala	Line Mazdoor	22-11-69
50	Shri Benarsi Rajbhar	Genl. Mazdoor	10-10-69
51	Shri Baljora Gowala	Do.	22-11-69
52	Shri Sankar Gowala	Do.	14-7-69
53	Shri Markandey Gowala	Trammer	8-10-69
54	Shri Rulli Gowala	Miner	7-10-69
55	Shri Naresh Gowala	Do.	13-9-69
56	Shri Babeshwar Rajbhar	Do.	27-9-69
57	Shri Muneshwar Gowala	Do.	3-10-69
58	Shri Deoraj Gowala	Night Guard	5-9-69
59	Shri Tej Narayan Gowala	Guard	5-9-69
60	Shri Bir Bahadur Gowala	Do.	7-10-69
61	Shri Rajkapil Gowala	Miner	9-9-69
62	Shri Seomohan Gowala	Night Guard	13-9-69
63	Shri Jai Gowala	Fan Khalasi	5-9-69
64	Shri Bhagwati Gowala	Chapraasi	26-9-69
65	Shri Sriram Gowala	F. R. Mazdoor	26-9-69
66	Shri Bindeshwari Singh	Trammer	3-9-69
67	Shri Panchanan Bouri	Do.	5-9-69
68	Shri Gorakh Gowala	Elcc. Helper	13-9-69
69	Shri Kanai Gowala	Guard	13-9-69
70	Shri Jagdish Gowala	Do.	9-9-69
71	Shri Durga Gowala	Do.	7-10-69
72	Shri Doman Gowala	Do.	4-9-69
73	Shri Raghunath Gowala	Miner	4-9-69
74	Shri Baliram Mishra	Guard	1-9-69
75	Shri Ayodhya Gowala	H/Khalasi	16-9-69
76	Shri Meghraj Gowala	Line Mazdoor	13-9-69
77	Shri Jaleshwar Mahato	H/Khalasi	10-10-69
78	Shri Sheomonghal Gowala	Line Mazdoor	9-9-69
79	Shri Bholu Gowala	Trammer	4-9-69
80	Shri Rajballi Gowala	Do.	16-9-69
81	Shri Sarjoo Upadhya	Fan Khalasi	5-9-69
82	Shri Ramashray Gowala	H/Khalasi	16-9-69
83	Shri Rajaram Gowala	Guard	9-9-69
84	Shri Behari Gowala	T/Mazdoor	9-9-69
85	Shri Lalmoan Gowala	L/Mazdoor	9-9-69
86	Shri Bhagwati Mishra	Dusting Mazdoor	8-10-69
87	Shri Sudarshan Dubey	Time Keeper	28-8-69
88	Shri Ramadhar Singh	Lamp Issuer	1-9-69
89	Shri Ramdhuraj Singh	Attendance Clerk	1-9-69
90	Shri Gopaljee Pandey	Munshi	30-8-69
91	Shri Parmatama Pandey	Do.	1-9-69
92	Shri Rambachan Gowala	Trammer	10-10-69
93	Shri Fagu Gowala	Miner	10-9-69
94	Shri Sohan Gowala	Do.	24-9-69
95	Shri Nahalik Gowala	Do.	26-9-69
96	Shri Lalbahadur Gowala	Miner	26-9-69
97	Shri Inderasan Pandey	Do.	24-9-69
98	Shri Kapildev Pandey	H/Khalasi	1-9-69
99	Shri Ramjai Pandey	Miner	21-9-69
100	Shri Kesho Pandey	Fan Khalasi	30-8-69
101	Shri Rambali Gowala	T/Mazdoor	1-9-69
102	Shri Balbachan Gowala	Trammer	22-8-69
103	Shri Ramdev Misra	Do.	26-9-69

Sl. No.	Name	Designation	Date of dismissal/ discharge
104	Shri Ramashis Gowala	Miner	26-9-69
105	Shri Jokhan Harijan	Trammer	13-9-69
106	Shri Bikram Harijan	Miner	24-9-69
107	Shri Ramcharan Singh	Do.	26-9-69
108	Shri Sahajanand Misra	Elec. Helper	30-8-69
109	Shri Sitram Tewari	P/Khalasi	4-10-69
110	Shri Lalan Misra	H/Khalasi	1-9-69
111	Shri Dadan Misra	P/Mazdoor	1-9-69
112	Shri Kalicharan Kewat	Miner	5-1-70
113	Shri Satnarain Gore	Trammer	3-10-69
114	Shri Jaldhari Gowala	Miner	22-9-69
115	Shri Kashunath Gowala	Night Guard	14-7-69
116	Shri Nanak Gowala	Trammer	25-9-69
117	Shri Krishna Gowala	L/Mazdoor	30-8-69
118	Shri Jhagroo Gowala	Guard	3-10-69
119	Shri Subdayal Gowala	Guard	9-9-69
120	Shri Gazadhar Naot	Trammer	26-9-69
121	Shri Butan Shah	Do.	10-9-69
122	Shri Dwarika Gowala	P/Mistry	10-9-69
123	Shri Chandrika Gowala	L/Mazdoor	8-9-69
124	Shri Jhuriguri Gowala	Night Guard	10-9-69
125	Shri Haridesh Gowala	Trammer	8-9-69
126	Shri Sheodesh Gowala	F. R. Mazdoor	8-10-69
127	Shri Sidhnath Gowala	Onsetter	1-9-69
128	Shri Rameshwar Gowala	Miner	10-9-69
129	Shri Surojnath Gowala	L/Mazdoor	28-8-69
130	Shri Arjun Singh	Fan Mazdoor	14-5-69
131	Shri Raghunath Chowdhury	H/Khalasi	1-9-69
132	Shri Ch. Raghunath Gowala	Miner	25-9-69
133	Shri Baijnath Gowala	Do.	24-9-69
134	Shri Nageshwar Gowala	Trammer	25-9-69
135	Shri Birja Gowala	T/Mazdoor	25-9-69
136	Shri Ramoon Gowala	Guard	30-8-69
137	Shri Maharaj Gowala	H/Khalasi	4-10-69
138	Shri Sheyadhar Gowala	H/Khalasi	30-8-69
139	Shri Ram Audesh Gowala	Trammer	22-8-69
140	Shri Subash Gowala	Spray Mazdoor	22-8-69
141	Shri Ram Pravesh Singh	T/Mazdoor	25-9-69
142	Shri Bindeswari Gowala	Miner	26-9-69
143	Shri Ramnath Mahato	Trammer	30-8-69
144	Shri Shidhnath Gowala	Onsetter	1-9-69
145	Shri Ramdhari Gowala	Magazine Guard	26-9-69
146	Shri Mukhlal Gowala	S/Mazdoor	10-9-69
147	Shri Jamuna Ram	Trammer	24-9-69
148	Shri Bahadur Kahar	Miner	24-9-69
149	Shri Uma Kahar	Miner	5-1-70
150	Shri Paresih Kori	Miner	24-9-69
151	Shri Sudama Gowala	Do.	24-9-69
152	Shri Nandjee Gowala	Do.	13-9-69
153	Shri Jamuna Gowala	Do.	10-9-69
154	Shri Dipnarain Kahar	Do.	26-9-69
155	Shri Gajanand Dubey	Trammer	1-9-69
156	Shri Badri Ram	Do.	1-9-69
157	Shri Sudama Prasad	T/Mazdoor	1-9-69
158	Shri Sripat Rajbhar	Trammer	5-1-70
159	Shri Kishore Rajbhar (No. 1)	Miner	24-9-69
160	Shri Rameswar Rajbhar	Do.	Pending
161	Shri Rajendra Gowala	Do.	24-9-69
162	Shri Sheonarain Kahar	Do.	24-9-69
163	Shri Daroga Kahar	Do.	24-9-69
164	Shri Birgu Kahar	Do.	Pending
165	Shri Bala Kahar	Do.	26-9-69
166	Shri Chandrika Kahar	Do.	26-9-69
167	Shri Shiv Kumar Kahar	Do.	24-9-69
168	Shri Jagdish Kahar	Do.	24-9-69
169	Shri Satin Kahar	Do.	25-8-69
170	Shri Radhamohan Kahar	Do.	29-9-69

Sl. No.	Name	Designation	Date of dismissal/ discharge
171	Shri Jagdish Gowala	Bodychecker	25-9-69
172	Shri Markandey Gowala	Trammer	5-7-69
173	Shri Suresh Tewari	P/Khalasi	1-9-69
174	Shri K. B. Tewari	Murshi	7-10-69
175	Shri Ram Ajodhya Tewari	H/Khalasi	26-9-69
176	Shri Anu Mahato	Miner	11-3-69
177	Shri Santana Tewari	Bailing Mazdoor	9-9-69
178	Shri Kolahal Gowala	Trammer	1-9-69
179	Shri Deoki Gowala	Miner	31-3-69
180	Shri Ramdeo Gowala	Miner	24-9-69
181	Shri Kapil Muni Gowala	Miner	24-9-69
182	Shri Hari Shankar Kahar	Do.	24-9-69
183	Shri Ganga Bisnu Misra	Trammer	4-10-69
184	Shri Surendra Misra	T. Mazdoor	5-1-70
185	Shri Shib Prasan Pandey	P./Khalasi	10-10-69
186	Shri Basudeo Karmakar	Trammer	27-9-69
187	Shri Gauri Shankar	Stone Dusting Maz.	26-9-69
188	Shri Ram Behari Upadhyay	Fan Khalasi	21-8-69
189	Shri Lal Mohan Duxad	Miner	10-10-69
190	Shri Bechan Singh	Trammer	5-1-70
191	Shri Ramlal Tewari	Do.	1-9-69
192	Shri Fekan Tewari	P/Khalasi	30-8-69
193	Shri Rajnath Gowala	Trammer	5-9-69
194	Shri Lal muni Gowala	Do.	13-9-69
195	Shri Chhabecia Gowala	Do.	1-9-69
196	Shri Shambehari Gowala	Do.	25-9-69
197	Shri Pirthi Gowala	Do.	9-9-69
198	Shri Dasrath Tewari	Do.	27-9-69
199	Shri Kalaktor Gowala	Do.	30-8-69
200	Shri Dhaneswar Gowala	L/Mazdoor	30-8-69
201	Shri Police Gowala	Trammer	30-8-69
202	Shri Rajnath Gowala (No. 2)	Do.	5-9-69
203	Shri Rajnath Gowala (No. 1)	Do.	5-1-70
204	Shri Ram Singh	Trammer	10-9-69
205	Shri Raghubir Gowala	Do.	13-9-69
206	Shri Madhu Gowala	Do.	10-9-69
207	Shri Mahesh Gowala	Spray Mazdoor	9-9-69
208	Shri Nasingh Gowala	Trammer	4-10-69
209	Shri Radha Gowala	Bailing Mazdoor	16-9-69
210	Shri Ram Niwas Gowala	Trammer	5-1-70
211	Shri Bhagelu Gowala	Do.	13-9-69
212	Shri Jadhav Gowala	Do.	22-8-69
213	Shri Bahadur Gowala	Do.	7-10-69
214	Shri Munner Gowala	T/Mazdoor	8-9-69
215	Shri Prahlad Gowala	T/Mazdoor	30-8-69
216	Shri Raghuraj Pandey	T/Mazdoor	1-9-69
217	Shri Baliraj Gowala	T/Mazdoor	5-9-69
218	Shri Bijay Kumar Singh	T/Mazdoor	9-9-69
219	Shri Ramdhari Shaw	Fitter Mazdoor	27-7-69
220	Shri Sheokumar Gope	Do.	30-8-69
221	Shri Rangila Gowala	Do.	8-9-69
222	Shri Bhorik Gowala	Do.	30-8-69
223	Shri Ramsakal Gowala	Drill Mazdoor	3-9-69
224	Shri Kanai Singh	P/Khalasi	8-9-69
225	Shri Basudeo Yadav	P/Khalasi	10-9-69
226	Shri Jaidhari Gowala	Do.	8-9-69
227	Shri Babudhan Upadhyay	Do.	25-9-69
228	Shri Ram Pratap Ojha	Do.	1-9-69
229	Shri Shiv Kumar Misra	Do.	15-12-69
230	Shri Ramji Dubey	Electrician	22-11-69
231	Shri Aklu Tewari	Fan Khalasi	28-8-69
232	Shri Janaki Gowala	Spray Mazdoor	16-12-69
233	Shri Ranjan Gowala	Night Guard	5-9-69

Sl. No.	Name	Designation	Date of dismissal/discharge
234	Shri Judge Gowala	Guard	1-9-69
235	Shri Bankey Gowala	Do.	30-8-69
236	Shri Brijanandan Misra	Do.	8-9-69
237	Shri Saudagar Chowdhury	Do.	3-7-69
238	Shri Raj Ballam Gowala	H/Khalasi	9-9-69
239	Shri Deo Kumar Misra	F/Khalasi	1-9-69
240	Shri Sidhnath Tewari	Lamp Issuer	4-11-69
241	Shri Police Gowala	Lamp Mazdoor	30-8-69
242	Shri Chotak Gowala	H/Khalasi	24-11-69
243	Shri Bhagwan Gowala	Do.	10-10-69
244	Shri Seyadhar Gowala	Do.	30-8-69
245	Shri Ramdev Gowala	Trammer	13-9-69
246	Shri Kedar Nath Ojha	Miner	5-1-70
247	Shri Shridhar Gowala	Do.	13-9-69
248	Shri Deonarayan Gowala	Do.	15-10-69
249	Shri Ramdhani Gowala	Do.	5-9-69
250	Shri Kailash Saw	Do.	3-2-69
251	Shri Jai Gobind Saw	Do.	13-9-69
252	Shri Ulfat Mia	Do.	10-2-69
253	Shri Tetu Mia	Do.	5-1-70
254	Shri Munshi Mia	Do.	5-1-70
255	Shri Intuj Mia	Do.	29-3-69
256	Shri Bara Safiq Mia	Do.	30-3-69
257	Shri Charku Mia	Do.	25-3-69
258	Shri Bajju Gowala	Line Mazdoor	5-1-70
259	Shri Bhola Gowala	Do.	4-11-69
260	Shri Ramnagad Gowala	F. R. Mazdoor	30-8-69
261	Shri Ram Awadhan Tewari	Lamp Mazdoor	25-9-69
262	Shri Srinivas Mishra	Baling Mazdoor	1-9-69
263	Shri Dinanath Mishra	Guard	30-8-69
264	Shri Darpan Tewari	Onsetter	1-9-69
265	Shri Banarsi Mahato	H/Mhalasi	8-9-69*

[No. 6/81/69-LRII.]

नई दिल्ली, 21 अगस्त, 1970

का० आ० 2949.—जयत : केन्द्रीय सरकार की राय है कि इससे उपबाध अनुसूची में निर्दिष्ट विषयों के बारे में मेसर्स पतमोहन एवं भारतवर्ष कोलियरीज प्राइवेट लिमिटेड डाकघर सीतारामपुर जिला बर्दवान की पतमोहन कोयला खान के प्राठपत्र से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और अतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्वक्षित करना वांछनीय समझती है ;

अतः अब औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदान शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतेद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता को न्यायनिर्णयन के लिये निर्दिक्षित करती है ।

अनुसूची

“क्या मेसर्स पतमोहन एवं भारतवर्ष कोलियरीज प्राइवेट लिमिटेड डाकघर सीतारामपुर, जिला बर्दवान की पतमोहन कोयलाखान के प्रबंधक का नीचे वर्णित कर्मचारों/कर्मठुकारों को क्रमशः

प्रत्येक के सामने दी तारीखों से सेवा से पदच्युत या सेवोन्मुक्त करना न्यायोजित था ? यदि नहीं तो ये कर्मकार किस अनुतोष के हकदार हैं ?

क्र० सं०	नाम	पदनाम	पदच्युति/ सेवोन्मुक्ति की तारीख
1	2	3	4
1	श्री पंचन रजभार	खनक	16-9-69
2	श्री खंजु रजभार	—यथोक्त—	13-9-69
3	श्री सद्गु रजभार	—यथोक्त—	4-10-69
4	श्री रामदास रजभार	—यथोक्त—	19-9-69
5	श्री बैजू रजभार	"	13-9-69
6	श्री काशी नाथ रजभार	"	13-9-69
7	श्री लीचन गोवाला	"	19-9-69
8	श्री मोदिनारायण झा	स्टोन ड्रिस्टिंग मजदूर	7-10-69
9	श्री श्याम किशोर झा	"	8-10-69
10	श्री पाती राम पांडे	प्रोप मिस्त्री	9-8-69
11	श्री मंथू महन्तो	ट्रेमर	17-7-69
12	श्री त्रिवेणी चौधरी	"	4-10-69
13	श्री मुक्ति नाथ मिश्र	खनन सरदार	9-9-69
14	श्री ए० टी० बैनर्जी	डिस्पैच लिपिक	30-8-69
15	श्री जितेन्द्रनाथ तिवारी	उप श्रोवरमैर	1-9-69
16	श्री शिवनाथ रजभार (सं० 4)	खनक	8-10-69
17	श्री शंकर रजभार	"	4-10-69
18	श्री जग्गा गोवाला	ट्रेमर	9-9-69
19	श्री लछमन गोवाला	बॉडी चेकर	3-10-69
20	श्री राम लायक सिंह	एच खलासी	7-10-69
21	श्री गरीबा सिंह	ट्रेमर	4-10-69
22	श्री के० एन० मिश्रा	मुंशी	28-8-69
23	श्री नवकांत झा	स्प्रे मजदूर	10-10-69
24	श्री धर्मद्रेनाथ सिंह	ट्रेमर	5-1-70
25	श्री सहब्रीर गोवाला	खनक	13-9-69
26	श्री बल्ली गोवाला		8-10-69
27	श्री सामू रजभार	"	19-9-69
28	श्री मुन्ना गोवाला	"	16-9-69
29	श्री सतीराम रजभार	साधारण मजदूर	4-9-69
30	श्री एस० एन० पांडे	रजिस्ट्रार	22-7-69

1	2	3	4
31	श्री रामशंकर तिवारी	मुंशी	22-7-69
32	श्री जी० सी० तिवारी	हाजरी लिपिक	7-10-69
33	श्री बेलीधन तिवारी	रजिस्ट्रारपाल	11-7-69
34	श्री नरेश तिवारी	विद्युत मजदूर	4-10-69
35	श्री आर० पी० पांडे	बिल लिपिक	9-9-69
36	श्री अश्वथ रजभार	ट्रेमर	13-9-69
37	श्री चौ० कुमार रजभार	टी/मजदूर	7-10-69
38	श्री कोरी रजभार	साधारण मजदूर	13-9-69
39	श्री रामसूरत रजभार	"	24-9-69
40	श्री बड़ा विश्वनाथ रजभार	लाइन मजदूर	7-10-69
41	श्री धमरी गोवाला	साधारण मजदूर	19-9-69
42	श्री विश्वनाथ गोवाला	"	3-9-69
43	श्री चौ० सतीराम रजभार	"	4-9-69
44	श्री खुरचलू रजभार	ट्रेमर	13-9-69
45	श्री बिहारी गोवाला	ट्रेमर	9-9-69
46	श्री भुलू गोवाला	"	13-9-69
47	श्री राजदेव रजभार	"	8-10-69
48	श्री गरीबन रजभार	"	10-10-69
49	श्री चिथरू गोवाला	लाइन मजदूर	22-11-69
50	श्री बनारसी रजभार	साधारण मजदूर	10-10-69
51	श्री बलजोरा गोवाला	"	22-11-69
52	श्री शंकर गोवाला	"	14-7-69
53	श्री मारकंडे गोवाला	ट्रेमर	8-10-69
54	श्री रूल्ली गोवाला	खनक	7-10-69
55	श्री नरेश गोवाला	"	13-9-69
56	श्री बबेश्वर रजभार	"	27-9-69
57	श्री मुनेश्वर गोवाला	"	3-10-69
58	श्री देवराज गोवाला	रात्रि रक्षक	5-9-69
59	श्री तेजनारायण गोवाला	रक्षक	5-9-69
60	श्री बीर बहादुर गोवाला	"	7-10-69
61	श्री राजकपिल गोवाला	खनक	9-9-69
62	श्री शिवमोहन गोवाला	रात्रीरक्षक	13-9-69
63	श्री जै गोवाला	पंखा खलासी	5-9-69
64	श्री भगवती गोवाला	घपरासी	26-9-69
65	श्री श्री राम गोवाला	एफ० आर० मजदूर	26-9-69
66	श्री विश्वेश्वरी सिंह	ट्रेमर	3-9-69

1	2	3	4
67	श्री श्री पंचानन बौरी	ट्रैमर	5-9-69
68	श्री गौरख गोवाला	विद्युत मददगार	13-9-69
69	श्री कांशी गोवाला	रक्षक	13-9-69
70	श्री जगदीश गोवाला	"	9-9-69
71	श्री दुर्गा गोवाला	"	7-10-69
72	श्री दोमन गोवाला	"	4-9-69
73	श्री रघुनाथ गोवाला	खनक	4-9-69
74	श्री बालीराम मिश्रा	रक्षक	1-9-69
75	श्री अयोध्या गोवाला	एच/खलासी	16-9-69
76	श्री मेषराज गोवाला	लाइन मजदूर	13-9-69
77	श्री जलेश्वर महतो	एच/खलासी	10-10-69
78	श्री शिवमोंगल गोवाला	लाइन मजदूर	9-9-69
79	श्री भोला गोवाला	ट्रैमर	4-9-69
80	श्री राजबली गोवाला	"	16-9-69
81	श्री सरजू उपाध्या	पंखा खलासी	5-9-69
82	श्री राम आसरे गोवाला	एच/खलासी	16-9-69
83	श्री राजाराम गोवाला	रक्षक	9-9-69
84	श्री बिहारी गोवाला	टी/मजदूर	9-9-69
85	श्री लालमोहन गोवाला	एल/मजदूर	9-9-69
86	श्री भगवती मिश्रा	डस्टिंग मजदूर	8-10-69
87	श्री सुदर्शन दूबे	समयपाल	28-8-69
88	श्री रामधन सिंह	लैम्प इन्स्पेक्टर	1-9-69
89	श्री रामधुरज सिंह	हजारी लिपिक	1-9-69
90	श्री गोपाल जी पांडे	मुंशी	30-8-69
91	श्री परमात्मा पांडे	"	1-9-69
92	श्री रामबचन गोवाला	ट्रैमर	10-10-69
93	श्री रंगु गोवाला	खनक	10-9-69
94	श्री सोहन गोवाला	"	24-9-69
95	श्री नाबालिक गोवाला	"	26-9-69
97	श्री लालबहादुर गोवाला	"	26-9-69
97	श्री इन्द्रासन पांडे	"	24-9-69
98	श्री कपिल देव पांडे	एच/खलासी	1-9-69
99	श्री रामजै पांडे	खनक	21-9-69
100	श्री केशो पांडे	पंखा खलासी	30-8-69
101	श्री रामबली गोवाला	टी/मजदूर	1-9-69
102	श्री बालबचन गोवाला	ट्रैमर	22-8-69
103	श्री रामदेव मिश्रा	"	26-9-69
104	श्री रामाशीष गोवाला	खनक	26-9-69

1	2	3	4
105	श्री जोखन हरिजन	ट्रैमर	13-9-69
106	श्री बिक्रम हरिजन	खनक	24-9-69
107	श्री रामचरण सिंह	"	26-9-69
108	श्री सहजानन्द मिश्रा	विद्युत मददगार	30-8-69
109	श्री श्रीराम तिवारी	पी/खलासी	4-10-69
110	श्री लल्लन मिश्रा	एच/खलासी	1-9-69
111	श्री ददन मिश्रा	पी/मजदूर	1-9-69
112	श्री कालीचरण केवट	खनक	5-1-70
113	श्री मतनारायण गोरे	ट्रैमर	3-10-69
114	श्री जलधारी गोवाला	खनक	22-9-69
115	श्री काशीनाथ गोवाला	रात्री रक्षक	14-7-69
116	श्री नानक गोवाला	ट्रैमर	25-9-69
117	श्री कृष्ण गोवाला	एल/मजदूर	30-8-69
118	श्री शगडू गोवाला	रक्षक	3-10-69
119	श्री सुबदयाल गोवाला	"	9-9-69
120	श्री गजाधार नापित	ट्रैमर	26-9-69
121	श्री बुटन शाह	"	10-9-69
122	श्री द्वारिका गोवाला	पी/मिस्त्री	10-9-69
123	श्री चन्द्रिका गोवाला	एल/मजदूर	8-9-69
124	श्री सुरीगुरी गोवाला	रात्री रक्षक	10-9-69
125	श्री हरिदेश गोवाला	ट्रैमर	8-9-69
126	श्री शिवदेश गोवाला	एफ० आइ० मजदूर	8-10-69
127	श्री सिद्धनाथ गोवाला	ग्रीनसेटर	1-9-69
128	श्री रामेश्वर गोवाला	खनक	10-9-69
129	श्री सूरजनाथ गोवाला	एल/मजदूर	28-8-69
130	श्री अर्जुन सिंह	पंखा मजदूर	14-5-69
131	श्री रघुनाथ चौधरी	एच/खलासी	1-9-69
132	श्री चौ० रघुनाथ गोवाला	खनक	25-9-69
133	श्री बैजनाथ गोवाला	"	24-9-69
134	श्री नागेश्वर गोवाला	ट्रैमर	25-9-69
135	श्री बिरजा गोवाला	टी/मजदूर	25-9-69
136	श्री रामू गोवाला	रक्षक	30-8-69
137	श्री महाराज गोवाला	एच/खलासी	4-10-69
138	श्री शोयाघर गोवाला	एच/खलासी	30-8-69
139	श्री राम श्रवदेश गोवाला	ट्रैमर	22-8-69
140	श्री सुबाम गोवाला	स्ट्रे मजदूर	22-8-69
141	श्री राम प्रवेश सिंह	टी/मजदूर	25-9-69
142	श्री बिन्देश्वरी गोवाला	खनक	26-9-69

1	2	3	4
143	श्री रामनाथ महतो	ट्रेमर	30-8-69
144	श्री सिद्धनाथ गोवाला	ग्रान्सेटर	1-9-69
145	श्री रामधारी गोवाला	मेगजीन गार्ड	26-9-69
146	श्री मखलाल गोवाला	एस/मजदूर	10-9-69
147	श्री जमुना राम	ट्रेमर	24-9-69
148	श्री बहावुर कहार	खनक	24-9-69
149	श्री उमा कहार	खनक	5-1-69
150	श्री परेश कोइरी	खनक	24-9-69
151	श्री सुदामा गोवाला	"	24-9-69
152	श्री लन्दजी गोवाला	"	13-9-69
153	श्री जमुना गोवाला	"	10-9-69
154	श्री दीपनारायण कहार	"	26-9-69
155	श्री गजानन्द वृद्धे	ट्रेमर	1-9-69
156	श्री बबरी राम	"	1-9-69
157	श्री सुदामा प्रसाध	टी/मजदूर	1-9-69
158	श्री श्रीपत रजभार	ट्रेमर	5-1-70
159	श्री किशोर रजभार (सं० 1)	खनक	24-9-69
160	श्री रामेश्वर रजभार	"	विचाराधीन
161	श्री राजेन्द्र गोवाला	"	24-9-69
162	श्री शिवनारायण कहार	"	24-9-69
163	श्री दरोगा कहार	"	24-9-69
164	श्री बिरगु कहार	"	विचाराधीन
165	श्री बाला कहार	"	26-9-69
166	श्री चन्द्रिका कहार	"	26-9-69
167	श्री शिवकुमार कहार	"	24-9-69
168	श्री जगदीश कहार	"	24-9-69
169	श्री सत्तन कहार	"	25-9-69
170	श्री राधामोहन कहार	"	29-9-69
171	श्री जगदीश गोवाला	बाडी चैकर	25-9-69
172	श्री मार्कण्डे गोवाला	ट्रेमर	5-7-69
173	श्री सुरेश तिवारी	पी/खलासी	1-9-69
174	श्री के० बी० तिवारी	मुंशी	7-10-69
175	श्री राम अयोध्या तिवारी	एच/खलासी	26-9-69
176	श्री अन्तु महतो	खनक	11-3-69
177	श्री संतन तिवारी	बेलिंग मजदूर	9-9-69
178	श्री कोलाहल वाला	ट्रेमर	1-9-69
179	श्री देवकी गोवाला	खनक	31-3-69

1	2	3	4
180	श्री रामदेव गोवाला	ख नक	24-9-69
181	श्री कपिल मुनि गोवाला	"	24-9-69
182	श्री हरिभांकर कहार	"	24-9-69
183	श्री गंगा विष्णु मिश्र	ट्रैमर	4-10-69
184	श्री सुरेन्द्र मिश्र	टी/मजदूर	5-1-70
185	श्री शिव प्रसन्न पांडे	पी/खलासी	10-10-69
186	श्री बासुदेव कर्मकार	ट्रैमर	27-9-69
187	श्री गौरी शंकर	स्टोन डस्टिंग मजदूर	26-9-69
188	श्री रामबिहारी उपाध्या	पंखा खलासी	21-8-69
189	श्री लाल मोहन दुसद	ख नक	10-10-69
190	श्री बचन सिंह	ट्रैमर	5-1-70
191	श्री रामलाल तिवारी	"	1-9-69
192	श्री फकन तिवारी	पी/खलासी	30-8-69
193	श्री राजनाथ गोवाला	ट्रैमर	5-9-69
194	श्री लाल मणि गोवाला	"	13-9-69
195	श्री छबिया गोवाला	"	1-9-69
196	श्री रामबिहार गोवाला	"	25-9-69
197	श्री पिरथी गोवाला	"	9-9-69
198	श्री दशरथ तिवारी	ट्रैमर	27-9-69
199	श्री कलकतोर गोवाला	"	30-8-69
200	श्री धनेश्वर गोवाला	एल/मजदूर	30-8-69
201	श्री पुलिस गोवाला	ट्रैमर	30-8-69
202	श्री राजनाथ गोवाला (सं० 2)	"	5-9-69
203	श्री राजनाथ गोवाला (सं० 1)	"	5-1-70
204	श्री राम सिंह	"	10-9-69
205	श्री रघुवीर गोवाला	"	13-9-69
206	श्री मधु गोवाला	"	10-9-69
207	श्री महेश गोवाला	स्त्रे मजदूर	9-9-69
208	श्री नरसिंह गोवाला	ट्रैमर	4-10-69
209	श्री राधा गोवाला	बेलिंग मजदूर	16-9-69
210	श्री रामनिवास गोवाला	ट्रैमर	5-1-70
211	श्री भगेलु गोवाला	"	13-9-69
212	श्री जधु गोवाला	"	22-8-69
213	श्री बहादुर गोवाला	"	7-10-69
214	श्री मनुहर गोवाला	टी/मजदूर	8-9-69
215	श्री प्रह्लाद गोवाला	पी/मजदूर	30-8-69
216	श्री रघु राज पांडे	टी/मजदूर	1-9-69

1	2	3	4
217	श्री बलराज गोवाला	टी/मजदूर	5-9-69
218	श्री विजय कुमार सिंह	टी/मजदूर	9-9-69
219	श्री रामधारी शा	फिटर मजदूर	27-7-69
220	श्री शिवकुमार गोप	,,	30-8-69
221	श्री रगीना गोवाला	,,	8-9-69
222	श्री भोर्गिक गोवाला	फिटर मजदूर	30-8-69
223	श्री रामसकल गोवाला	ड्रिल मजदूर	7-9-69
224	श्री कनई मिह	पी/खलासी	8-9-69
225	श्री बभ्रुदेव यादव	पी/खलासी	10-9-69
226	श्री जैधारी गोवाला	,,	8-9-69
227	श्री बाबूधन उपाध्या	,,	25-9-69
228	श्री रामप्रताप ओझा	,,	1-9-69
229	श्री शिव कुमार मिश्र	,,	15-12-69
230	श्री रामजी दूबे	इलेक्ट्रिशियन	22-11-69
231	श्री अकलू तिवारी	पंखा खलासी	28-8-69
232	श्री जानकी गोवाला	स्प्रे मजदूर	16-12-69
233	श्री रंजन गोवाला	रात्री रक्षक	5-9-69
234	श्री जज गोवाला	रक्षक	1-9-69
235	श्री बांके गोवाला	,,	30-8-69
236	श्री बृजनन्दन मिश्र	,,	8-9-69
237	श्री सौदागर चौधरी	,,	3-7-69
238	श्री राज बल्लभ गोवाला	एच/खलामी	9-9-69
239	श्री देव कुमार मिश्र	एफ/खलामी	1-9-69
240	श्री सिद्धनाथ तिवारी	लैम्प इन्स्पेक्टर	4-11-69
241	श्री पुलिस गोवाला	लैम्प मजदूर	30-8-69
242	श्री चौटक गोवाला	एच/खलामी	24-11-69
243	श्री भगवान गोवाला	,,	10-10-69
244	श्री सैयध गोवाला	-यथोक्त-	30-8-69
245	श्री रामदेव गोवाला	ट्रैमर	13-9-69
246	श्री केदार नाथ ओझा	खनक	5-1-70
247	श्री श्रीधर गोवाला	-यथोक्त-	12-9-69
248	श्री देवनारायण गोवाला	खनक	15-10-69
249	श्री रामधनी गोवाला	खनक	5-9-69
250	श्री कैलाश शाँ	-यथोक्त-	3-2-69
251	श्री जैगाबिन्द शाँ	-यथोक्त-	10-9-69
252	श्री उलफत मिया	-यथोक्त-	10-2-69
253	श्री टेटू मिया	-यथोक्त-	5-1-70
254	श्री मुंशी मिया	-यथोक्त-	5-1-70

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255	श्री दंतुज मिया	—खनक—	29-1-69
256	श्री बड़ा सफीक मिया	—यथोक्त—	30-1-69
257	श्री चरकु मिया	—यथोक्त—	25-1-69
258	श्री बैजू गोवाला	लाइन मजदूर	5-1-70
259	श्री भोला गोवाला	लाइन मजदूर	4-11-69
260	श्री रामनगद गोवाला	एफ० आर० मजदूर	30-8-69
261	श्री रामअवधन तिवारी	लैम्प मजदूर	25-9-69
262	श्री आनिवास मिश्र	बोर्लिंग मजदूर	1-5-69
263	श्री दीनानाथ मिश्र	रक्षक	30-8-69
264	श्री वर्पण तिवारी	ऑनसेटर	1-9-69
265	श्री बनारसी महतो	एच/खलामी	8-9-69

[सं० 6/81/69-एल० आर० II)]

पी० सी० मिश्रा, अव्वर सचिव ।

CORRIGENDUM

New Delhi, the 26th August 1970

S.O. 2950.—In the notification of Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1389, dated the 8th April, 1970, published at pages 1927 and 1928 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 18th April, 1970, at page 1928, in line 22, for "13-6-1966" read "13-6-1965."

[No. 8(12)/70-LR-IV.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 18th August 1970

S.O. 2951.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1244 dated the 17th April, 1962, the Central Government hereby appoints Shri Syed Muftaba Haider Jaisi to be an Inspector for the whole of the State of West Bengal and Union territories of Tripura and the Andaman and Nicobar Islands for the purposes of the said Act or of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry.

[No. 21(6)/68-PF.I.]

(श्रम और रोजगार विभाग)

नई दिल्ली, 18 अगस्त, 1970

का० आ० 2951.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 1244 तारीख 17 अप्रैल,

1962 को अधिकांत करते हुए, केन्द्रीय सरकार एतद्वारा श्री सैयद मुजतबा हैदर जैसी को उक्त अधिनियम के या उसके अधीन विरचित किसी स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कंपनी, महापत्तन, खान तेलक्षेत्र या नियन्त्रित उद्योग से संबन्धित किसी स्थापन के सम्बन्ध में पूर्ण पश्चिम बंगाल राज्य और संघ राज्य-क्षेत्रों, त्रिपुरा और अंडमान और निकोबार द्वीप समूह के लिए निरीक्षक नियुक्ति करती है।

[सं० 21(6)/68-पी० एफ० I]

New Delhi, the 19th August 1970

S.O. 2952.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 1517, dated the 17th April, 1967, the Central Government hereby appoints Shri N. K. Sinha to be an Inspector for the whole of the State of Bihar for the purposes of the said Act and of any schemes framed thereunder in relation to an establishment connected with a Railway Company, a major port, a mine or an oil field, or a controlled industry *vice* Shri Surendra Nath Verma.

[No. A-12017(1)/70-P.F.I(ii)]

नई दिल्ली, 19 अगस्त, 1970

का० आ० 2952—कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 1517 तारीख 17 अप्रैल, 1967, को अधिकांत करते हुए केन्द्रीय सरकार एतद्वारा श्री एन० के० सिन्हा को श्री सुरेन्द्र नाथ वर्मा के स्थान पर, उक्त अधिनियम के और किसी रेल कंपनी, महापत्तन, खान या तेलक्षेत्र या नियन्त्रित उद्योग से संसक्त किसी स्थापन के बारे में, तद्धीन विरचित किन्हीं स्कीमों के प्रयोजनों के लिए, सम्पूर्ण बिहार राज्य के लिए, निरीक्षक नियुक्त करती है।

[सं० ए० 12017(1)/70-पी० एफ०—I(I)]

S.O. 2953.—In exercise of the powers conferred by sub-section (2) of section 5 D of the employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1521, dated the 22nd April, 1967, the Central Government hereby appoints Shri N. K. Sinha as Regional Provident Fund Commissioner for the whole of the State of Bihar *vice* Shri Surendra Nath Verma. Shri N. K. Sinha shall work under the superintendence of the Central Provident Fund Commissioner.

[No. A. 12017(1)-70-P.F.I(i).]

का० आ० 2953 :—कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) की धारा 5B की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 1521 तारीख 22 अप्रैल, 1967 को अधिकांत करते हुए केन्द्रीय सरकार एतद्वारा श्री एन० के० सिन्हा को श्री सुरेन्द्र नाथ वर्मा के स्थान पर, सम्पूर्ण बिहार राज्य के लिए, प्रादेशिक भविष्यनिधि आयुक्त के रूप में नियुक्त करती है। श्री एन० के० सिन्हा केन्द्रीय भविष्य निधि आयुक्त के अधीक्षण के अधीन कार्य करेंगे।

[सं० ए-12017(1)/70-पी० एफ० (ii)]

New Delhi, the 20th August 1970

S.O. 2954.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3274, dated the 5th August, 1969 the Central Government, having regard to the location of Messrs Instrumentation

Limited, Kota, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 27th August, 1970 upto and inclusive of the 26th August, 1971.

[No F. 601(28)/70-HI.]

नई दिल्ली, 20 अगस्त, 1970

का० आ० 2954.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 3274 तारीख 5 अगस्त, 1969 के क्रम में केन्द्रीय सरकार मेर्स इस्ट्रूमेंटेशन लिमिटेड, कोटा को ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 27 अगस्त, 1970 से 26 अगस्त, 1971 तक, जिसमें वह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है

(सं० फ० 601(28)/70-एच आई.]

S.O. 2955.—Whereas the Central Government was satisfied that Messrs Dhuvaran Thermal Power Station, was situated in Dhuvaran area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Kaira in the State of Gujarat;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the said Act in that area by the Central Government in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 885, dated the 8th March, 1967;

And, whereas the Central Government is satisfied that the insurable population of the Dhuvaran area in the district of Kaira in the State of Gujarat has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification namely:—

In the Schedule appended to the said notification, serial No. 6 relating to "Kaira" and all the entries against it shall be omitted.

[No. 603(1)/70-HI.]

ए० आ० 2955:—यतः केन्द्रीय सरकार का यह समाधान हो गया था कि मेर्स धुवरन थर्मल पावर स्टेशन धुवरन क्षेत्र में अवस्थित था, जो गुजरात राज्य के केरा जिले में बिखरी हुई आबादी का क्षेत्र (अर्थात् ऐसा क्षेत्र जिसकी बीमा योग्य आबादी 500 से कम थी) था;

और, यतः उसकी बिखरी हुई आबादी के क्षेत्र में अवस्थिति के आधार पर केन्द्रीय सरकार ने उपर्युक्त कारखाने को, भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 885, तारीख 8 मार्च, 1967 द्वारा कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब के अधीन नियोजक के विशेष अभिदाय के संदाय से तब तक के लिए छूट दे दी थी जब तक कि उस अधिनियम के अध्याय 5 के उपबन्ध उस क्षेत्र में प्रवर्तित नहीं हो जाते ;

और यतः केन्द्रीय सरकार का यह समाधान हो गया है कि गुजरात राज्य के केरा जिले में धुवरन क्षेत्र की बीमा योग्य आबादी अब 500 से बढ़ गई है, और वह अब बिखरी हुई आबादी का क्षेत्र नहीं है ;

अतः, अब कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिसूचना में एतद्वारा और आगे निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में केरा में संबंधित रूप संख्या 6 और उसके सामने की सभी प्रविष्टियों का लोप कर दिया जाएगा ।

[सं० फा० 603(1)/70-एच आई]

S.O. 2956.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government hereby appoints the 6th day of September, 1970 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 78 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following area in the State of Orissa, namely:—

"The area within the revenue village Chandili in Rayagada Tehsil in Koraput District."

[No. F. 604(14)/70-HI.]

DALJIT SINGH, Under Secy.

फा० प्रा० 2956 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 1970 के सितम्बर के 6ठे दिन को उस तारीख के रूप में नियत करती है जिस तारीख को उक्त अधिनियम के (धाराओं 44 और 45 के सिवाय, जो पहले ही प्रवर्तन में लाई जा चुकी हैं) अध्याय 4 के और (धारा 76 की उपधारा (1) और धाराओं 77, 78, 79 और 81 के सिवाय, जो पहले ही प्रवर्तन में लाई जा चुकी हैं) अध्यायों 5 और 6 के उपबन्ध उड़ीसा राज्य में निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"कोरापट जिले की रायगढ़ तहसील में राजस्व ग्राम चन्दली के भीतर का क्षेत्र ।"

[सं० फा० 604 (14)/70-एच आई]

दलजीत सिंह, अवसर सचिव ।

(Department of Labour and Employment)

New Delhi, the 18th August 1970

S.O. 2957.—The following draft of a scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1936, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd September 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1970.

2. In clause 44 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 (hereinafter referred to as the said Scheme), for item (b) of sub-clause (3) the following item shall be substituted, namely:—

“(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

3. In clause 45 of the said Scheme, for item (a) of sub-clause (4-A) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

4. In clause 50 of the said Scheme, for item (a) of sub-clause (3-A) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

[No. 528/183/65-Fac.II/P&D.]

(श्रम और रोजगार विभाग)

नई दिल्ली, 18 अगस्त, 1970

का० प्र० 2957—। मुंबई इंक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में और आगे संशोधन करने के लिए केन्द्रीय सरकार डॉक कर्मकार (नियोजन तथा विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जिस स्कीम को बनाने की प्रस्तापना करती है, उसका निम्नलिखित प्रारूप, उक्त उपधारा द्वारा यथाअपेक्षित, उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिनका तद्वारा प्रभावित होना संभाव्य है, और एतद्वारा सूचित किया जाता है कि उक्त प्रारूप पर 22-9-70 को या के पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में, ऐसी विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से जो आक्षेप या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. यह स्कीम मुम्बई डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1970 कहती जा सकेगी ।

2. मुम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 44 में, उपखण्ड (3) की मद (ख) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(ख) जहां कोई कर्मकार मद (क) के अधीन आदेश द्वारा निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संदत्त किया जाएगा, जिसका वह मजदूरी सहित छुट्टी पर होने की दशा में हकरदार होता, और उसके पश्चात् अध्यक्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो ;

परन्तु जहां ऐसी जांच, ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन अधिक की कालावधि वाले निर्वाह भत्ते को घटा कर, आधारिक मजदूरी, महंगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा ।”

3. उक्त स्कीम के खण्ड 45 में, उपखण्ड (4-क) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारित मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संदत्त किया जाएगा, जिसका वह मजदूरी सहित छुट्टी पर होने की दशा में हकरदार होता और उसके पश्चात् अध्यक्ष असाधारण दशाओं में, ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो ।

परन्तु जहां ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह भत्ते को घटा कर, आधारिक मजदूरी, महंगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा ।”

4. उक्त स्कीम के खण्ड 50 में, उपखण्ड (3-क) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी; अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संदत्त किया जाएगा जिसका वह मजदूरी सहित छुट्टी पर होने की दशा में हकरदार होता, और उसके पश्चात् अध्यक्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारित मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो ।

परन्तु जहाँ ऐसी जाँच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहाँ नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर आधारीक मजदूरी, महंगाई और अन्य भत्तों का एक-बोथाई कर दिया जाएगा ?।”

[सं० 0528/183/65-फ० 2/पी० एण्ड डी०]

S.O. 2958.—The following draft of a scheme further to amend the Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd September 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Bombay Chipping and Painting Workers (Regulation of Employment) Amendment Scheme, 1970.

2. In clause 44 of the Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969 (hereinafter referred to as the said Scheme), for item (b) of sub-clause (3) the following item shall be substituted, namely:—

“(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourth of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

3. In clause 45 of the said Scheme, for item (a) of sub-clause (5) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

4. In clause 50 of the said Scheme, for item (a) of sub-clause (3)(iii) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence

allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

[No. 528/183/65-Fac.II/P&D.]

का० आ० 2959. — मुम्बई छंटाई और रंगाई कर्मकार (नियोजन का विनियमन) स्कीम 1969 में और आगे संशोधन करने के लिए केन्द्रीय सरकार डॉक कर्मकार (नियोजन का विनियमन) अधिनियम 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए जिस स्कीम को बनाने की प्रस्थापना करती है उसका निम्नलिखित प्रारूप उक्त उपधारा द्वारा यथाश्रेष्ठ उन सभी व्यक्तियों को जानकारी के लिए प्रकाशित किया जाता है जिनका तद्द्वारा प्रभावित होना संभाव्य है और एनर्द्वारा सूचित किया जाता है कि उक्त प्रारूप पर 22-9-70 को या के पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में ऐसी विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से जो आक्षेप या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. यह स्कीम मुम्बई छंटाई और रंगाई कर्मकार (नियोजन का विनियमन) संशोधन स्कीम 1970 कही जा सकेगी।

2. मुम्बई छंटाई और रंगाई कर्मकार (नियोजन का विनियमन) स्कीम 1969 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 44 में उपखण्ड (3) की मद (ख) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :-

“(ख) जहां कोई कर्मकार मद (क) के अधीन आदेश द्वारा निलम्बित किया गया हो वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधार्मिक मजदूरी महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संदत्त किया जाएगा जिसका वह मजदूरी-सहित-छट्टी पर होने की दशा में हकदार होता और उसके पश्चात् अर्धवर्ष अमाधारण दशाओं में ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधार्मिक मजदूरी महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहां ऐसी जांच, ऐसे कारणों में जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर आधार्मिक मजदूरी महंगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।”

3. उक्त स्कीम के खण्ड 45 में उपखण्ड (5) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी अर्थात् :-

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधार्मिक मजदूरी महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संदत्त किया जाएगा जिसका वह मजदूरी-सहित-छट्टी पर होने की दशा में हकदार होता और उसके पश्चात् अर्धवर्ष अमाधारण दशाओं में ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधार्मिक मजदूरी महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहां ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक

की कालावधि वाले निर्वाह-भत्ते को घटा कर, आधारिक मजदूरी, महंगाई और अन्य का एक चौथाई कर दिया जाएगा।”

4. उक्त स्कीम के खण्ड 50, उपखण्ड (3) (iii) की मद (क) के स्थान पर निम्न-लिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहां किसी कर्मकार की जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता दिया जाएगा, जिसका वह मजदूरी-सहित-छुट्टी पर होने की दशा में हकदार होता, और उसके पश्चात् अध्यक्ष आसाधारण दशाओं में ऐसा उच्चतर निर्वाह भत्ता मजूर कर सकेगा जो ऐसी आधारिक मजदूरी महंगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो :

परन्तु जहां ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह भत्तों को घटा कर आधारिक मजदूरी महंगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा।”

[सं० 528/183/65-फै० 2/पी० एण्ड डी०]

S.O. 2959.—The following draft of a scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd September 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1970.

2. In clause 45 of the Madras Dock Workers (Regulation of Employment) Scheme, 1956 (hereinafter referred to as the said Scheme), for item (b) of sub-clause (3) the following item shall be substituted, namely:—

“(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourth of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

3. In clause 46 of the said Scheme, for item (a) of sub-clause (4-A) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages

and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

4. In clause 51 of the said Scheme, for item (a) of sub-clause (3-A) the following item shall be substituted name'y—

"(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

[No. 528/183/65-Fac.II/P&D.]

एस० ओ० 2959:—मद्रास डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में और आगे संशोधन करने के लिए केन्द्रीय सरकार डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जिस स्कीम को बनाने की प्रत्यापना करती है, उसका निम्नलिखित प्रारूप, उक्त उपधारा द्वारा यथा अपेक्षित, उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिनका तद्वारा प्रभावित होना संभाव्य है, और एतद्वारा सूचित किया जाता है कि उक्त प्रारूप पर 22-9-70 को या के पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में, एसी विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से जो आक्षेप या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. यह स्कीम मद्रास डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1970 कही जा सकेगी।

2. मद्रास डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 45, में उपखण्ड (3) की मद (ख) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

"(ख) जहाँ कोई कर्मकार मद (क) के अधीन आदेश द्वारा नियुक्त किया गया हो, वहाँ उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उक्त आधार्मिक मजदूरी महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संदत्त किया जाएगा, जिसका वह मजदूरी सहित छुट्टी पर होने की दशा में हकदार होता, और उसके पश्चात्, अध्याक्ष, आमाधरण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधार्मिक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो:

परन्तु जहाँ ऐसी जांच, ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वही नब्बे दिन में अधिक की कालावधि वाले निर्वाह भत्ते को घटा कर, आधार्मिक मजदूरी, महंगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।"

3. उक्त स्कीम के खण्ड 46 में, उपखण्ड (4-क) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहाँ किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहाँ उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता मंदन किया जाएगा, जिसका वह मजदूरी सहित, छुट्टी पर होने की दशा में हकदार होता और उस के पश्चात् अध्यक्ष असाधारण दशाओं में, ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहाँ ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार की प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहाँ नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर, आधारिक मजदूरी, महंगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा ।”

4. उक्त स्कीम के खण्ड 51 में, उपखण्ड (3-क) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहाँ किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहाँ उसे निलम्बन की तारीख से प्रथम नब्बे दिनों के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संत किया जाएगा, जिसका वह मजदूरी-सहित-छुट्टी पर होने की दशा में हकदार होता और उसके पश्चात् अध्यक्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहाँ ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहाँ नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर आधारिक मजदूरी, महंगाई और अन्य भत्ते का एक-चौथाई कर दिया जाएगा ।”

[सं० 528/183/165/फै० 2/पी० एण्ड डी०)

New Delhi, the 19th August 1970

S.O. 2960.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Messrs. Jeena & Co., Bombay and their workmen, which was received by the Central Government on the 7th August, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
BOMBAY

REFERENCE No. CGIT-4 OF 1969

PARTIES:

Employers in relation to the management of Messrs. Jeena & Co., Bombay
AND
their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers—Shri G. V. Pawaskar, Assistant Labour Officer, Bombay Chamber of Commerce and Industry, Bombay.

For the workmen—Shri H. K. Sowani, Advocate.

STATE: Maharashtra.

INDUSTRY: Clearing and Forwarding (Major Ports and Docks).

Bombay dated 7th July, 1970

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment have by their order No. 28/41/69-LWI-III dated 3rd October 1969 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Messrs. Jeena & Co., Bombay and their workmen in respect of the matter specified in the following schedule:—

SCHEDULE

"Whether the action of M/s Jeena & Co., Bombay 1, in dismissing Shri R. M. Vagal, Custom Clerk from their services with effect from the close of the working hours of 8th January 1969 was justified. If not to what relief is the workman entitled?"

2. The circumstances giving rise to this reference may be stated in brief as follows:—

The employer company is a partnership firm carrying on the business of clearing and forwarding agents and the workman involved in this reference is one Shri R. M. Vagal who was working with them as a customs clerk. He is in their employ for the last 21 years and at the relevant time was holding the post of a senior customs clerk in the customs section. On the 18th of September 1968 Shri Canteenwalla the incharge of the Export Department under whom Shri Vagal was working entrusted to him for processing four dockets of shipping documents in connection with four consignments of Elgin Mills totalling about 92 bales terry towelling which were to be shipped to Liverpool and Manchester. Shri Vagal was also shown a letter of the Elgin Mills informing the company that it was rumoured that the export quota of terry towelling was soon getting exhausted and Shri Vagal was asked to expedite the obtaining of the licence endorsement.

3. It is alleged that Shri Vagal prepared the copies and noted the shipping bills in the customs house on the 20th and 21st September 1969 but did not take further steps and obtain the necessary cheque immediately and further against the normal practice of the office for obtaining the licence endorsement on all the shipping bills from the Joint Chief Controller of Exports before giving them to the brokers handed the four bills over to the brokers and obtained them subsequently by which time the quota was exhausted and thus was guilty of wilful and gross negligence in handling the four consignments.

4. As the licence endorsement was not obtained on the bills before the 26th of September 1968 the Elgin Mills had lost their quota which was caused due to the gross negligence on the part of the employee and hence the management charge-sheeted Shri Vagal for gross and wilful negligence. They appointed the accountant Shri Panthaky as the Enquiry Officer who held a domestic enquiry from 5th November to 10th December 1968 and submitted a report holding him guilty of gross negligence, which was accepted and Shri Vagal was dismissed from service with effect from 31st December 1968. The management also made an application for approval of the action taken against the employee. However,

as he was not paid simultaneously one month's salary due to oversight the management cancelled the order of dismissal and passed a fresh order of dismissal with effect from 8th January 1969 and made an application for approval simultaneously complying with the provisions of the Industrial Disputes Act. The employee to whom notice of the application under section 33(2)(b) was issued and had appeared through Counsel did not contest the application but informed the Tribunal that he would raise an industrial dispute challenging the dismissal on merits and hence the approval was granted. Thereafter the Transport and Dock Workers' Union of which the workman was a member have raised the dispute calling upon the company to withdraw the dismissal order. The dispute was referred to the Assistant Labour Commissioner (Central) for conciliation which was admitted in Conciliation but as there was no settlement the Assistant Labour Commissioner submitted a failure report and hence the same is referred to this Tribunal.

5. The Transport and Dock Workers' Union has by its statement of claim contended that the workman Shri Vagal has been working in the company as customs clerk for the last 21 years but he started taking part in the activities of the union in the middle of 1966. He was a leading workman taking part in the activities of the union at the time of the agitation in respect of the implementation of the interim recommendation of the Central Wage Board and soon after the agitation started the officers of the company took a different attitude towards Shri Vagal. They also openly told him to desert the union but as Shri Vagal did not accept their suggestion the company started harassing him by issuing memos and warnings and the present dispute has arisen in that background. It is alleged that the action of the company in dismissing Shri Vagal from its service was not only unjustified but was vindictive and amounted to unfair labour practice.

6. The workers have admitted that after the charge-sheet dated 31st October 1968 Shri Panthaky was appointed as the enquiry officer who held the domestic enquiry but it is contended that the enquiry officer had not followed the principles of natural justice. He had first permitted the examination and cross-examination of the workman to be taken and thereafter he had allowed the company to examine its witness Shri Dadabhoy. The workman who was examined first and had to open his defence was asked to lead his evidence before the management's evidence was recorded, the enquiry was against the principle of natural justice and the procedure adopted had vitiated the enquiry. It has been further contended that the findings of the enquiry officer are not supported by any legal evidence and they are perverse. While assessing the evidence led by the parties the enquiry officer showed his bias in favour of the company, and had not taken into consideration the important circumstance that at the relevant time the workman Shri Vagal was assigned other urgent duties and it was not possible for him to find any time to attend to the work of the Elgin Mills and he was not guilty of any misconduct.

7. It is alleged that the Enquiry Officer has shielded Shri Canteenwalla who was responsible for the work and delay in the execution of the work and the enquiry was vitiated. The employee was an important trade union worker. There was nothing against him. The action of the management in accepting the report of the enquiry officer and imposing the punishment of dismissal was unfair labour practice. There was no negligence nor gross negligence and the punishment is grossly disproportionate and amounted to victimization and there are sufficient grounds for interfering with the order and the workman should be reinstated.

8. The management has by its written statement contended that in the approval application filed by the company under section 33(2)(b) of the Industrial Disputes Act the Tribunal had held that the management had conducted a proper enquiry against the opponent and the present contention of the union is barred by *res judicata* and is untenable. The management has denied that the company started harassing Shri Vagal after 1966 and has contended that since Shri Vagal had been grossly negligent in the discharge of his duties in respect of the four shipments of Elgin Mills he had to be served with a memo dated 4th October 1968 and was asked to submit his explanation as to why disciplinary action should not be taken against him in respect of the four shipments of Elgin Mills. Shri Vagal failed to submit his explanation by the stipulated time and a reminder was issued to him. Thereafter he submitted his explanation but as the same was found to be unsatisfactory he was charge-sheeted on 31st October 1968 for the misconduct of wilful and gross negligence in the discharge of his duties.

9. It has been contended that the enquiry officer had followed the principles of natural justice while conducting the enquiry. Shri Vagal had taken part in the

enquiry and had examined witnesses. He was given full opportunity to examine himself and to cross-examine the company's witnesses and the enquiry was fair. They have denied the allegations about bias and perversity and have contended that there was ample evidence to show that the employee had committed the misconduct of gross negligence. It was the practice of the company to first obtain the licence endorsement from the E.T.C. office before handing over the shipping bills to the brokers for space booking but the employee did not follow the usual procedure and did not follow up the matter expeditiously although he knew fairly well that the work required immediate attention. He was aware of the procedure but had neglected the processing of the documents and was liable for gross negligence.

10. The management have denied the allegations about unfair labour practice and victimization and have further contended that the Elgin Mills were their valuable customers of long standing. The total value of the four invoices was approximately Rs. 1,50,000 and as the goods could not be booked and exported there would be a breach of contract in the matter of non-delivery of goods to the party on the other side. The mills had made a severe complaint to the company and the workman deserved to be dismissed. The enquiry held was proper and the workman is not entitled to any relief and I shall first discuss the technical contention raised by the management.

11. The management has raised the contentions about the validity of the claim of the workmen on grounds similar to *res judicata* alleging that in the approval application made by them under section 33(2)(b) of the Industrial Disputes Act this Tribunal had held that the enquiry was fair and in these proceedings the union should not be heard in respect of their contentions about unfairness etc. I have already stated that the workman was dismissed by the management by their order with effect from 8th January, 1968 and had simultaneously made an application for approval, which was not contested and as the management had complied with the provisions of section 33(2) (b) approval was granted. The management has produced the order from those proceedings and has invited my attention to the following observations:—

"The management has held a proper enquiry against the opponent and have passed an order dated 8th November, 1968. It is also clear that they have made payment of a month's wages to the opponent as required under section 33(2)(b) and have also filed the present application simultaneously.....".

and it has been argued that in view of these findings in that application the contention of the union that the enquiry was unfair and against the principles of natural justice cannot be heard.

12. However, it is clear from the record that the workman had not contested the application made by the management under section 33(2)(b). In the order itself it has been stated that the workman did not want to oppose the present application on merits. The learned Counsel appearing on his behalf had submitted that the union wanted to raise an industrial dispute. No evidence was led in those proceedings and the application was granted as it was not opposed and I do not think that there is a finding on merits and there can be no question of *res judicata*.

13. Moreover any order passed in the approval application cannot operate as *res judicata* in the subsequent industrial dispute raised in respect of the same dismissal as under the Industrial Disputes Act approval is obtained only with a view to remove the ban placed on the management. The workers have got a right to raise an industrial dispute in respect of dismissal or discharge even after the approval under section 33(2)(b). Learned Counsel Shri Pawaskar appearing for the management has relied upon the rulings reported in 1963 1LLJ 291, 1965 II LLJ 153, 1963 1LLJ 679. However I do not think that the observations in these rulings help the management that an order in an approval application under section 33(2)(b) would be *res judicata* and would debar consideration of the issues in an industrial dispute under section 10 and the contention of the management cannot be accepted.

14. Learned Counsel Shri H. K. Sowani, appearing for the workman has contended that the enquiry officer had not followed the principles of natural justice while conducting the enquiry. The enquiry Officer had allowed the examination and cross-examination of the workman before the evidence of the management and after his examination the management was permitted to examine witnesses. Thus the workman was required to disclose his defence before the management adduced their evidence which is against the principles of natural justice. The management has produced all the enquiry papers and has also

examined the enquiry officer. The union has also examined the workman. However considering the record of the evidence I do not think that there is any serious irregularity in the procedure followed. The workman was issued with a memo on the 4th October, 1968 to which he gave his reply by his letter dated 16/17th October, 1968 and he was charge-sheeted on 31st October, 1968. At the time of the enquiry the management was represented by Shri Canteenwalla who was in charge of the customs department and the workman was represented by himself. The enquiry officer first examined the company's witness Shri Canteenwalla. He was cross-examined by the workman and after his cross-examination the workman was examined. Thereafter the enquiry officer asked both the parties whether they wanted to lead evidence and as both of them wanted to lead evidence they were permitted and the management examined the Assistant Manager Shri Dadabhoi who was cross-examined and after his cross-examination the workman examined his witness.

15. Even after this evidence the workman wanted to examine and put questions to Shri Canteenwalla. Accordingly he was permitted and Shri Canteenwalla was examined by him. Thus full opportunity has been given to the workman to cross-examine the management's witnesses and also lead evidence on his behalf. There is no irregularity which would vitiate the enquiry and even if the examination of the delinquent before the evidence is considered as irregular in my opinion it has not caused any prejudice to the defence and there is no substance in the contention that the enquiry was unfair and that the enquiry officer had not followed the principles of natural justice in the conduct of the enquiry.

16. The union has further challenged the validity of the dismissal order on the ground that the findings of the enquiry officer were perverse and he was biased in favour of the company. The company had appointed Shri Panthaky their accountant to hold the enquiry. There was no personal enmity between the enquiry officer and the workman but it has been contended that the observations of the enquiry officer and the findings without evidence will themselves show his biased nature and I shall discuss the contentions about the perversity of the findings.

17. The workman was charge-sheeted for the misconduct of gross negligence in the discharge of his duties. He was entrusted with the work of preparing the shipping documents regarding the four bills and processing them. The documents were handed over to him on the 18th September 1968 and though he prepared the copies and got them typed and noted them in the customs house but he handed them over to the brokers without getting them endorsed by the Joint-Chief Controller of Exports and when they were taken on the 26th September, 1968 for that purpose the quota was exhausted and the mills had lost their quota and it can be said that the loss was due to the negligence of Shri Vagal.

18. The workman knew about the rumour that the export quota of terry towelling was being exhausted and when the work was entrusted to him he was specifically directed to get it processed early but without following the usual practice of getting licence endorsement before sending them to the brokers he directly sent them to the freight brokers and the quota was exhausted. The union has contended that there was absolutely no evidence to prove that the practice in the company was to first obtain the licence endorsement from the E.T.C. office and thereafter to hand over the shipping bills to the brokers for space booking. It is further contended that though such practice was not proved the enquiry officer had held it in favour of the company and exhibited his biased mind. Moreover it was Shri Canteenwalla who had asked the workman to hand over the bills to the broker before they were endorsed and the enquiry officer has shielded him. It was further contended that the enquiry officer had not taken into consideration the fact that the workman had been given certain other assignments relating to shipments of an urgent nature and it was not possible to find sufficient time to attend to the work of the Elgin Mills. It is alleged that there is no evidence about wilfulness or grossness of the alleged negligence and the management had taken vindictive action against the workman.

19. The management had examined Shri Canteenwalla the immediate superior of the workman and also the Assistant Manager Shri Dadabhoi. The enquiry officer has in his findings discussed the evidence of these witnesses and has also referred to the various admissions made by the workman, in his deposition. The enquiry officer has observed:

"In his cross-examination Mr. Canteenwalla stated that it was absolutely necessary that Mr. Vagal ought to have first obtained licence endorsements from the E.T.C. Office and then he should have handed over

the s/bills to the freight broker for space booking knowing the importance of first obtaining licence endorsements how could he ever ask Mr. Vagal to hand over s/bills first to the freight broker for securing space booking and that he emphatically denied having ever asked Mr. Vagal to hand over the s/bills to the freight broker without his having first obtained the licence endorsements."

The enquiry officer further observed:—

"It does not stand to reason that Mr. Canteenwalla had asked Mr. Vagal to hand over the shipping bills to M/s. Pitamber & Co. without first obtaining licence endorsements. It is clear from the evidence on record that before bills are sent to freight brokers the ETC licence endorsements have to be obtained."

I have gone through the statement of Shri Canteenwalla. He has stated that after the shipping bills are noted in the customs house the same are normally required to be submitted together with the cheque for levy charges and the Reserve Bank's challan to the E.T.C. office to obtain licence endorsement. Shri Vagal by-passing this procedure submitted the shipping bills with the freight brokers M/s Pitamber & Co., to obtain space booking from the steamer Company. Considering this record it is clear that the contention of the union that the finding of the enquiry officer are without any evidence and perverse cannot be accepted. The management has by the evidence of Shri Canteenwalla proved the practice followed in the company. It is also clear from the statement of the workman that he was an experienced customs clerk. He used to do the work of the Elgin Mills and the findings of the enquiry officer are clearly supported by the evidence.

20. As regards the cheque voucher for Rs. 12.50 required for the four bills it is clear from the evidence that Shri Vagal had prepared it either on the 21st September 1968 or 23rd September 1968 and as the matter was urgent it was for him to follow it up. The enquiry officer has not accepted the workman's contention that he had kept the voucher on the table of Shri Canteenwalla and thereafter had gone out for some office work of another client. The evidence of Shri Charna who has been examined by the workman himself does not support the workman regarding the practice of giving the cheques. Shri Charna has stated that he had handed over the cheque of Rs. 12.50 to Shri Vagal who came to him and collected it on the 25th September 1968 and the observations of the enquiry officer that the witness has not supported the workman cannot be said to be without evidence.

21. The workman has admitted that he was entrusted with the shipping bills and the work of processing the documents by Shri Canteenwalla on the 18th September 1968. It is also clear from his statement that he knew about the ceiling and the rumour in respect of the terry towelling. He has stated:—

"Mr. V. I came to know from Elgin's Letter that there is a fixed quota for bleached terry towelling from India to U.K.

"Mr. C. Mr. Vagal, will you please clarify as to how you came to know about this from the Elgin Mills letter and of what date?

Mr V. I came to know from 18th September from Elgin Mills letter when the documents were given to me.

Mr. C. When you came to know on the 18th September as stated by you, about the ceiling of our exports of Bleached Terry Towelling which was rumoured to be nearing what did you do to protect the interest of our clients. The Elgin Mills Co. Ltd.

Mr V. I prepared immediately the shipping documents that is on 19/20th September and handed over the same to the typist for typing."

and knowing about the ceiling and the rumour it was necessary on the part of the workman to be more particular to get the documents processed especially when he was directed by the superior officer.

22. Shri Sowani the learned Counsel for the union has contended that the workman has never admitted about the practice for getting licence endorsements on the bills before they are handed over to the brokers. The enquiry officer has made observations contrary to the evidence and it showed his biased nature.

It is true that while discussing the evidence about the practice to be followed the enquiry officer has observed:—

"It is clear from the evidence on record that before bills are sent to freight brokers the E.T.C. licence endorsements have to be obtained. Mr. Vagal has confirmed this."

However, in the statement of Shri Vagal he has not actually confirmed about the practice but he has stated:—

"Mr. C. Mr. Vagal Is it necessary to obtain ETC licence endorsement against exports of Bleached Terry Towelling to U.K.?"

Mr V. Yes we have to get licence from Jt. Chief Controller of Exports, Bombay."

and from this evidence it is clear that what the workman had admitted was the necessity of getting licence from the Joint Chief Controller and there was no reference as to the time when it should be taken whether before delivering the documents to the broker or after. It appears that the enquiry officer had misread that part of the evidence and I do not think that this will be sufficient to show that the enquiry officer was biased against the workman. As the union had contended that the enquiry officer was biased the management had put the enquiry officer as in the box. He was cross-examined by the workman. However, in the cross-examination no question has been put to the witness about this circumstance and I do not find any substance in the contention that the observations of the enquiry officer prove that he was partial and biased against the workman.

23. The union had examined the workman Shri Vagal in these proceedings and it was tried to show that the management had entrusted him with other important assignments during those days and he could not find sufficient time to look to the position of the shipping bills and there was no negligence on his part. It appears from the evidence of the workman that in fact he was very busy on the 19th, 20th and 21st September and the evidence shows that though he had informed the company officers including Shri Dadabhoy about the shipping work of the Elgin Mills they had asked him to keep it pending and look to the urgent work of other customers.

24. However I do not think that I shall be justified in considering this evidence to examine the correctness or otherwise of the findings of the enquiry officer. In his report the enquiry officer has observed:—

"Mr. Vagal's contention that he was asked to attend Dr Beek's consignment and as such he could not follow up Elgin Mills consignment is not convincing."

Shri Vagal was examined before the enquiry officer. He has appreciated his evidence and I do not think that it will be permissible for this Tribunal to consider the evidence of Shri Vagal in respect of the misconduct.

25. The learned Counsel Shri Sowan has contended that in the ruling of the Supreme Court reported in 1962 II LLJ page 498 (Ritz Theatre Pvt. Ltd., Delhi and its workmen the evidence led in respect of the merits of the misconduct in the reference proceedings was considered and this Tribunal should consider the evidence of Shri Vagal to find whether he was guilty of negligence. I do not think that this ruling helps the union as it is only when the enquiry is held to be unfair, evidence is led and considered. Their Lordships of the Supreme Court in this ruling have observed:—

"Logically it is only where the tribunal is satisfied that a proper enquiry has not been held or that the enquiry having been held properly the findings recorded at such an enquiry are perverse that the tribunal derives jurisdiction to deal with the merits of the dispute."

The powers of the Tribunal and the scope of the enquiry in such proceedings is laid down in various rulings of the Supreme Court. In the domestic enquiry the enquiry officer has discussed the evidence of Shri Canteenwalla and Shri Dadabhoy. He has also discussed the defence evidence and there is no substance in the contention that the findings are perverse and are not supported by the evidence.

26. It was further argued that in this company there are no standing orders, no award or rules which are accepted by the employers and employees in connection with the disciplinary proceedings and the management was not justified in terminating the services of the workman. I do not think that the absence of standing orders can be a ground for interfering with the orders passed by the management. It is not in dispute that Elgin Mills whose four shipping bills were processed were the valuable customers of the employers. The mills lost their quota due to the negligence in processing the bills which were entrusted to Shri Vagal, and Shri Vagal was the customs clerk handling the shipments of that mill. He has stated:—

"Mr C. Mr. Vagal, have you in the past handled Export Shipments of Textiles and Terry Towelling?"

Mr. V. I have been regularly handling export shipments of Textiles and Terry Towelling.

Mr. C. Mr. Vagal how many such shipments have you handled in last one year?

Mr. V. I have been handling about ten to twentyfive such shipments in a month.

Mr. C. Mr. Vagal are all or most of these textiles and terry towelling shipments handled by you?

Mr. V. All or most of these textiles and terry towelling shipments are handled by me.

Mr. C. Mr. Vagal you are therefore familiar with the procedures involved for the exports of cotton piecegoods especially terry towelling turkish towels and other like shipment which are being shipped by Elgin Mills.

Mr. V. Yes.

Mr. C. Mr. Vagal, since how long you have been handling Elgin Mills consignments for exports?

Mr. V. Since last five to six years.

Mr. C. Mr. Vagal, you are well aware that Elgin Mills are one of our most valued and important clients giving us bulk business for several years.

Mr. V. Yes."

It is also clear from the record that the four shipments were valued at about Rs. 1,50,000 and the goods were not exported.

The enquiry officer had put specific questions to Shri Dadabhoy in respect of the goods and the complaint and Shri Dadabhoy has stated:—

"Mr. D. The total value of four invoices is approximately Rs. 1,50,000 F.O.B.

Mr.P. Mr. Dadabhoy, will you please tell me what harm shall accrue to Elgin Mills on account of non-shipment caused by delay in processing the documents for shipment?

Mr. D. It will be a breach of contract in matter of time of delivery of goods to the party on the other side and this will raise claims on the Elgin Mills from the consignees, their business relationship will be jeopardised. Elgin Mills will also lose benefit of export incentives. All this will entail claim on Jeena and Company from Elgin Mills and besides withholding payments of Jeena & Co., we will be asked to compensate them for the losses incurred by them on account of this non-shipment.

Mr. P. Mr. Dadabhoy, have you received any complaint from Elgin Mills with regard to the non-shipment of their four consignments in question.

Mr. D. They have complained vide their letter Ref. OSR/15-A dated 29th October, 1968 where in they have made a severe complaint against us for not having shipped these four consignments and have also asked how we would compensate them for the losses suffered by them in not shipping these large stocks."

This evidence clearly shows that the Elgin Mills are the valuable customers of the employers and considering the probable losses I do not think I shall be justified in interfering with the order of dismissal passed by the management. The action of the management is justified and the employee is not entitled to any relief.

Hence my award accordingly.

(Sd.) A. T. ZAMBRE,

Presiding Officer.

Central Government Industrial Tribunal,
Bombay.

[No. 28/41/69-LWI-III/P. & D.]

S.O. 2961.—The following draft of a scheme further to amend the Kandla Dock Workers (Regulation of Employment) Scheme, 1968, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd September, 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

DRAFT SCHEME

1. This scheme may be called the Kandla Dock Workers (Regulation of Employment) Amendment Scheme, 1970.

2. In clause 46 of the Kandla Dock Workers (Regulation of Employment) Scheme, 1968 (hereinafter referred to as the said Scheme), for item (b) of sub-clause (3) the following item shall be substituted namely:—

“(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workers, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

3. In clause 47 of the said Scheme, for item (a) of sub-clause (5) the following item shall be substituted, namely:

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

4. clause 53 of the said Scheme, for item (a) of sub-clause (2)(iii) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

[No. 528/183/65-Fac.II/P&D.J]

ए० ओ० 29 61.—कान्हा डाक कर्मकार नियोजन का विनियमन) स्कीम, 1968 में और आगे संशोधन करने के लिए केन्द्रीय सरकार डॉक कर्मकार ऋनियोजन और विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जिस स्कीम को बनाने की प्रस्थापना करती है, उसका निम्नलिखित प्रारूप, उक्त उपधारा द्वारा यथाअपेक्षित उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिनका सद्व्यवहार होना संभाव्य है, और एतद्वारा सूचित किया जाता है कि उक्त प्रारूप पर 22-9-70 को या के पश्चात् विचार किया जाएगा ।

उक्त प्रारूप के बारे में, ऐसी विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से जो आक्षेप या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

प्राप्त स्कीम

1. यह स्कीम कान्डला डॉक कर्मकार (नवो जन का विनियमन) संगोष्ठन स्कीम, 1970 कही जा सकेगी।

2. कान्डला डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 46 में, उपखण्ड (3) की मद (ख) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(ख) जहाँ कोई कर्मकार मद (क) के अग्रोत आदेश द्वारा नियमित किया गया है, वहाँ उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए आधारीक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संदत्त की दशा में हकदार होता और उसके पश्चात् अर्धवर्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारीक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहाँ ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहाँ नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटाकर, आधारीक मजदूरी, महंगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।”

3. उक्त स्कीम के खण्ड 47 में, उपखण्ड (5) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहाँ किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहाँ उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारीक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संदत्त किया जाएगा, जिसका वह मजदूरी-सहित छुट्टी पर होने की दशा में हकदार होता और उस के पश्चात् अर्धवर्ष असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारीक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहाँ ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहाँ नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटाकर, आधारीक मजदूरी, महंगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।”

4. उक्त स्कीम के खण्ड 53 में, उपखण्ड (2) (ii) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहाँ किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहाँ उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारीक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संदत्त किया जाएगा, जिसका वह मजदूरी-सहित-छुट्टी पर होने की दशा में हकदार होता, और उसके पश्चात् अर्धवर्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारीक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :
परन्तु जहाँ ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार

है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहाँ नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटाकर आधार मजदूरी, महंगाई और अन्य भत्तों का एक-बीयाई कर दिया जाएगा।”

(सं० 528/183/65 फं० 2, पी० एण्ड डी०)

S.O. 2962.—The following draft of a scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd September, 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1970.

2. In clause 45 of the Cochin Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the said Scheme), for item (b) of sub-clause (3) the following item shall be substituted, namely:—

“(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workers, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

3. In clause 46 of the said Scheme, for item (a) of sub-clause (4-A) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workers, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

4. In clause 51 of the said Scheme, for item (a) of sub-clause (3-A) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

एस० ओ० 2962.—कोचीन डॉक कर्मकार (नियोजन का विनियम) स्कीम, 1959 में और आगे संशोधन करने के लिए, केन्द्रीय सरकार डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जिस स्कीम को बनाने की प्रस्थापना करती है, उसका निम्नलिखित प्रारूप, उक्त उपधारा द्वारा यथाअपेक्षित, उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिनका तद्द्वारा प्रभावित होना सभाव्य है, और एतद्द्वारा सूचित किया जाता है कि उक्त प्रारूप पर 22-9-70 को या के पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में, ऐसी विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से जो आक्षेप या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. यह स्कीम कोचीन डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1970 कही जा सकेगी।

2. कोचीन डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 45 में, उपखण्ड (3) की मद (ख) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(ख) जहां कोई कर्मकार मद (क) के अधीन आदेश द्वारा निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संचित किया जाएगा, जिसका वह मजदूरी—सहित—छुट्टी पर होने की दशा में हकदार है, और उसके पश्चात् अध्यक्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह—भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहां ऐसी जांच, ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर, आधारिक मजदूरी, महंगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।”

3. उक्त स्कीम के खण्ड 46 में, उपखण्ड (4-क) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह—भत्ता संचित किया जाएगा, जिसका वह मजदूरी—सहित—छुट्टी पर होने की दशा में हकदार होता और उस के पश्चात् अध्यक्ष असाधारण दशाओं में ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो।

परन्तु जहां ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर आधारिक मजदूरी, महंगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा।”

4. उक्त स्कीम के खण्ड 51 में उखण्ड 3(क) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नव्वे दिन के लिए उस आधारिक मजदूरी, महंगाई और अन्य भत्तों के आधे में समतुल्य निर्वाह-भत्ता संदेत किया जाएगा, जिसका वह मजदूरी-सहित-छुट्टी पर होने की दशा में हकदार होता, और उसके पश्चात् अध्यक्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो

परन्तु जहां ऐसी जांच ऐसे कारणों से जिसके लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नव्वे दिन की कालावधि के बाद भी चलती रहे तो वहां नव्वे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर आधारिक मजदूरी, महंगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।”

[सं० 528/183/65-फै० 2/पी० एण्ड डी०]

S.O. 2963.—The following draft of a scheme further to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd September, 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1970.

2. In clause 44 of the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the said Scheme), for item (b) of sub-clause (3) the following item shall be substituted, namely:—

“(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.”

3. In clause 45 of the said Scheme, for item (a) of sub-clause (4-A) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workers, the subsistence

allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

4. In clause 50 of the said Scheme, for item (a) of sub-clause (2)(iii) the following item shall be substituted, namely:—

“(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

[No. 528/183/65-Fac.II/P&D.]

का० आ० 2963.—विशाखापत्तनम डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में और आगे संशोधन करने के लिए केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1418 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जिस स्कीम को बनाने की प्रस्थापना करती है, उस का निम्नलिखित प्रारूप, उक्त उपधारा द्वारा यथा-अपेक्षित उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिन का तद्द्वारा प्रभावित होना संभाव्य है, और एतद्द्वारा सूचित किया जाता है कि उक्त प्रारूप पर 22-9-70 को या के पश्चात् विचार किया जाएगा।

उक्त प्राप्ति के बारे में, ऐसी विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से जो आक्षेप या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. यह स्कीम विशाखापत्तनम डाक कर्मकार (नियोजन का विनियोजन) संशोधन स्कीम, 1970 कही जा सकेगी।

2. विशाखापत्तनम डाक कर्मकार (नियोजन का विनियोजन) स्कीम, 1959 (जिसे इस में इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 44 में, उपखण्ड (3) की भव (ख) के स्थान पर निम्नलिखित मध्य प्रतिस्थापित की जाएगी, अर्थात् :—

“(ख) जहां कोई कर्मकार उद (क) के अधीन आदेश द्वारा निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख के प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, मंहगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता सदात्त किया जाएगा, जिस का वह मजदूरी—सहित छुट्टी पर होने की दशा में हकदार होता, और उस के पश्चात् अध्यक्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, मंहगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो।”

अतः जहां ऐसी जांच ऐसे कारणों से जिस के लिए, कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर, आधारिक मजदूरी, मंहगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।”

3. उक्त स्कीम के खण्ड 45 में, उपखण्ड (4क) की मद्र (क) के स्थान पर निम्नलिखित मद्र प्रतिस्थापित की जाएगी; अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बित की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, मंहगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संचित किया जाएगा, जिस का वह मजदूरी-सहित-छुट्टी पर होने की दशा में हकदार होता है और उस के पश्चात् अर्धवर्ष असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, मंहगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो।

परन्तु जहां ऐसी जांच ऐसे कारणों से जिस के लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर, आधारिक मजदूरी, मंहगाई और अन्य भत्तों का एक-चौथाई कर दिया जाएगा।”

4. उक्त स्कीम के खण्ड 50 में, उपखण्ड (2) (iii) की मद्र (क) के स्थान पर निम्नलिखित मद्र प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बित की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी मंहगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह-भत्ता संचित किया जाएगा, जिस का वह मजदूरी-सहित छुट्टी पर होने की दशा में हकदार होता है और उस के पश्चात् अर्धवर्ष असाधारण दशाओं में, ऐसा उच्चतर निर्वाह-भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी मंहगाई और अन्य भत्तों के तीन-चौथाई से अधिक न हो।

परन्तु जहां ऐसी जांच ऐसे कारणों से जिस के लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह-भत्ते को घटा कर आधारिक मजदूरी, मंहगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा।”

[स0 528/83/65-फै० 2/पी० एण्ड डी०]

S.O. 2964.—The following draft of a scheme further to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd September, 1970.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1970.

2. In clause 44 of the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the said Scheme), for item (b) of sub-clause (3) the following item shall be substituted, namely:—

“(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on

leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

3. In clause 47 of the said Scheme, for item (a) of sub-clause (5) the following item shall be substituted, namely:—

"(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

4. In clause 53 of the said Scheme, for item (a) of sub-clause (2)(iii) the following item shall be substituted, namely:—

"(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances."

[No. 528/183/65-Fac. II/P&D.]

का० आ० 2964.—मोरमुगाश्रो डॅक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 में और आगे संशोधन करने के लिए केन्द्रीय सरकार डॅक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जिस स्कीम को बनाने की प्रस्थापना करती है, उस का निम्नलिखित प्रारूप, उक्त उपधारा द्वारा यथाअपेक्षित, उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिन का तद्वारा प्रभावित होना संभाव्य है, और एतद्वारा सूचित किया जाता है कि उक्त प्रारूप पर 22-9-70 को या के पश्चात् विचार किया जाएगा ।

उक्त प्रारूप के बारे में, ऐसी विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से जो आक्षेप या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा ।

प्रारूप स्कीम

1. यह स्कीम मोरमुगाश्रो डॅक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1970 कही जा सकेगी ।

2. मोरमुगाश्रो डॅक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 (जिसे इस में इस के पश्चात् उक्त स्कीम कहा गया है) के खण्ड 46 में, उपखण्ड (3) की मद (ख) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

"(ख) जहां कोई कर्मकार मद (क) के अधीन आदेश द्वारा निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए 'उम आध्वारिक मजदूर',

मंहगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संदत्त किया जाएगा, जिस का वह मजदूरी-सहित-छुट्टी पर होने की दशा में हकदार होता, और उस के पश्चात् अर्धवर्ष, असाधारण दशाओं में, ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधार्मिक मजदूरी, मंहगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो ।

परन्तु जहां ऐसी जांच, ऐसे कारणों से जिस के लिए, कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह भत्ते को घटा कर आधार्मिक मजदूरी, मंहगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा ।”

3. उक्त स्कीम के खण्ड 47 में, उपखण्ड (5) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो, वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधार्मिक मजदूरी, मंहगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संदत्त किया जाएगा, जिस का वह मजदूरी सहित छुट्टी पर होने की दशा में हकदार होता और उस के पश्चात् अर्धवर्ष असाधारण दशाओं में, ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधार्मिक मजदूरी, मंहगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो ।

परन्तु जहां ऐसी जांच ऐसे कारणों से जिस के लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है, नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह भत्ते को घटा कर, आधार्मिक मजदूरी, मंहगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा ।”

4. उक्त स्कीम के खण्ड 53 में उपखण्ड (2) (iii) की मद (क) के स्थान पर निम्नलिखित मद प्रतिस्थापित की जाएगी, अर्थात् :—

“(क) जहां किसी कर्मकार को जांच होने तक निलम्बित किया गया हो वहां उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधार्मिक मजदूरी, मंहगाई और अन्य भत्तों के आधे के समतुल्य निर्वाह भत्ता संदत्त किया जाएगा जिस का वह मजदूरी-सहित-छुट्टी पर होने की दशा में हकदार होता और उस के पश्चात् अर्धवर्ष असाधारण दशाओं में ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधार्मिक मजदूरी मंहगाई और अन्य भत्तों के तीन चौथाई से अधिक न हो :

परन्तु जहां ऐसी जांच ऐसे कारणों से जिस के लिए कर्मकार ही प्रत्यक्ष रूप से जिम्मेदार है नब्बे दिन की कालावधि के बाद भी चलती रहे तो वहां नब्बे दिन से अधिक की कालावधि वाले निर्वाह भत्ते को घटा कर आधार्मिक मजदूरी, मंहगाई और अन्य भत्तों का एक चौथाई कर दिया जाएगा ।”

S.O. 2965.—In exercise of the powers conferred by sub-section (3) of section 5 A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri K. J. Herschell as a member of the Cochin Dock Labour Board Vice Shri W. H. D'Cruz, expired, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No S.O. 3074 dated the 23rd August, 1968, namely:—

In the notification, under the heading "Members representing the employers of dock workers and shipping companies", in item (1), for the word and letters "W.H. D' Cruz", the word and letters "K. J Herschell shall be substituted.

[No. 55/9/69-Fac.II.]

C. RAMDAS, Dy. Secy.

का० आ० 2965.—डाक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 क० 9) की धारा 5-क की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री के० जी० हर्शेल को श्री डब्ल्यू. एच० डीक्रेज, मृत, के स्थान पर कोचीन डाक श्रम बोर्ड का सदस्य नियुक्त करती है और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 3074 तारीख 23 अगस्त 1968 में और आगे निम्नलिखित संशोधन करती है ; अर्थात् :—

अधिसूचना में, "डाक कर्मकारों के नियोजकों और पोत परिवहन कंपनियों का प्रतिनिधित्व करने वाले सदस्य" शीर्षक के नीचे, मद (1) में, "डब्ल्यू. एच० डीक्रेज" शब्दों और अक्षरों के स्थान पर "के० जी० हर्शेल" शब्द और अक्षर प्रतिस्थापित किये जायेंगे।

[सं० 55/9/69-कैक II.)

सी० रामदास उपासचिव (पी० डी०)

(Department of Labour and Employment)

New Delhi, the 22nd August 1970

S.O. 2966.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 1277, dated the 24th March, 1969:—

In the Table annexed to the said notification for Sl. No. 37 and the entries relating thereto, the following Sl. No. and entries shall be substituted, namely:—

1	2	3
"37 Assistant Labour Commissioner (Central), Calcutta.		The states of West Bengal (excluding the Civil districts of Burdwan, Birbhum, Bankura and Purulia), Assam, Nagaland, Meghalaya and NEFA and the union territories of Manipur and Tripura."

[No. F.1/43/70-LRI(ii).]

S. S. SAHASRANAMAN, Under Secy.

(श्रम और रोजगार विभाग)

नई दिल्ली, 22 अगस्त, 1970

का० आ० 2966.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का०आ० 1277 तारीख 24 मार्च, 1969 में और आगे निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना से उपाबद्ध सारणी में, क्रम सं० 37 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम० सं० और प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

1	2	3
“37.	सहायक श्रम आयुक्त (केन्द्रीय), कलकत्ता	पश्चिम बंगाल (बर्दवान, बिरभूम, बांकूरा और पुरुलिया के सिविल जिलों को अपवर्जित करके), असम, नागालैंड, मेघालय और नेपा राज्य और मणिपुर और त्रिपुरा के सब राज्य क्षेत्र

[सं० फा० 1/43/70-एल और I(ii)]

एस० एस० सहस्रनामन, अव्वर मन्त्रि ।

(Department of Labour and Employment)

New Delhi, the 22nd August 1970

S.O. 2967.—The following draft of a notification which the Central Government proposes to make, in exercise of the powers conferred by sub-section (2) of Section 26 of the Minimum Wages Act, 1948 (11 of 1948), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st October, 1970.

Any objections or suggestions which may be received from any person in respect of the said draft before the date so specified will be considered by the Central Government.

DRAFT NOTIFICATION

In exercise of the powers conferred by sub-section 2 of Section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby directs that, for a period of two years from the date of publication of this notification in the Official Gazette, the provisions of sub-section (1) of Section 18 of the said Act, in so far as it requires a Register of Overtime and Muster Roll to be maintained in the prescribed forms, namely, Forms IV and V of the Minimum Wages (Central) Rules, 1950, shall not apply in relation to the employees of Bombay Port Trust, for whom minimum rates of wages have been fixed under the said Act, subject to the condition that particulars of such employees shall be maintained in Form G-14 B which is set out in the Schedule to this notification and which shall be deemed to be the Register of Overtime and Muster Roll aforesaid for the purpose of the Minimum Wages Act, 1948 (11 of 1948) and the Minimum Wages (Central) Rules, 1950 and subject also to the condition that the number of hours of overtime put in by a worker on different dates as well as the total of overtime work put in by the worker in a month shall be indicated in the proposed form under columns 11 and 12 respectively, in the line immediately following the line on which the name of the worker is entered.

THE SCHEDULED

HANS RAJ CHHABRA Under Secy.
[No. 10/3/70-WE(MW).]

SCHEDULE

197

1 2 3 4 5 6 7 8 9 10

II

DEDUCTIONS

P. Sub- scription	V.P.F. Subscription	P.F. Advance	S.I.P. I.P.	Income Tax	Co-operative Credit society	Rent for Quarters	Other De- ductions	Total	Actual Wages Pay- able	Dates on which overtime payment is made	Remarks
Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs.P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.
26	27	28	29	30	31	32	33	34	35	36	37

[No. 10/3/70-WE(MW).]

HANS RAJ CHHABRA, Under Secy.

(अभ और रोजगार विभाग)

नई दिल्ली, 22 अगस्त, 1970

का० आ० 2967 न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 26 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार जो अधिसूचना बनाने की प्रस्थापना करती है उसका निम्नलिखित प्रारूप उन सभी व्यक्तियों की जानकारी के लिये, जिनका उससे प्रभावित होना संभाव्य है, एतद्द्वारा प्रकाशित किया जाता है और एतद्द्वारा सूचित किया जाता है कि उक्त प्रारूप पर 31-10-1970 को या उसके पश्चात् विचार किया जाएगा।

उक्त प्रारूप के बारे में ऐसे विनिर्दिष्ट तारीख से पूर्व किसी व्यक्ति से प्राप्त किन्हीं आक्षेपों या सुझावों पर केन्द्रीय सरकार विचार करेगी।

प्रारूप अधिसूचना

न्यूनतम मजदूरी अधिनियम, 1948 (1958 का 11) की धारा 26 की उपधारा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि शासकीय राजस्व में इस अधिसूचना के प्रकाशन की तारीख से दो वर्ष की कालावधि के लिए, उक्त अधिनियम, की धारा 18 की उपधारा (1) के उपबन्ध, वहाँ तक जहाँ तक कि उसमें यह अपेक्षा की गई है कि विधि प्रारूपों अर्थात् न्यूनतम मजदूरी (केन्द्रीय) नियम, 1950 के प्रारूप 4 और 5 में अतिकाल और मस्टर रोल का एक रजिस्टर बनाए रखा जाए, सम्बन्धित पत्तन न्याय के कर्मचारियों के सम्बन्ध में, जिनके लिए उक्त अधिनियम के अधीन मजदूरी की न्यूनतम दरें इस शर्त के अधधीन कि ऐसे कर्मचारियों की विशिष्टियां प्रारूप छ-14 ख में बनाई रखी जाएंगी, जो इस अधिसूचना की अनुसूची में उल्लिखित है और जो न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) और न्यूनतम मजदूरी (केन्द्रीय) नियम, 1950 के प्रयोजन के लिये उक्त अतिकाल और मस्टर रोल का रजिस्टर समझा जाएगा तथा इस शर्त के अधधीन भी नियत की गई हैं कि भिन्न भिन्न तारीखों को किसी कर्मकार द्वारा किए गए अतिकाल के घंटों की संख्या और उस कर्मकार द्वारा एक मास में किया गया कुल अतिकाल कार्य प्रस्थापित प्रारूप में क्रमशः स्तंभ 11 और 12 के अन्तर्गत उल्लिखित के, जिसमें कर्मकार का नाम दर्ज हो, ठीक पश्चात्तर्ती वृत्ति में उपदर्शित किया जाएगा।

प्ररूप क-14 ख

अनुसूची

197 के माम के लिये मस्टर रोल

नियुक्ति की तारीख	छद्दी			क्रम सं०	पदनाम	नाम	पिता का/पति का नाम	न्यू (तम मजदूरी रु०	लिंग
	अज्ञित	आक- स्मिक	रुणता						
1	2	3	4	5	6	7	8	9	10

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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20	21	22	23	24	25	26	27	28	29	30	31	दिनों की संख्या	प्रति-मास दर	अति-काल दर	प्रति सप्ताह प्रसा-मान्य घंटे
					11							12	13	14	15
उन दिनों की संख्या जिनके लिये निम्न-लिखित के अधीन प्रतिकाल अनुज्ञेय है															
		वेतन और भत्ते													
जन्यूनतम मजदूरी अधिनियम	तत्तन न्यास नियम	वेतन रु० पै०	कार्यकारी भत्ता वेतन रु० पै०	अन्य भत्ते और मंहगाई वेतन रु० पै०	मकान किराया भत्ता रु० पै०	प्रतिकरात्मक भत्ता रु० पै०	मंहगाई भत्ता रु० पै०	अतिकाल रु० पै०	कुल संदेय मजदूरी रु० पै०						
16	17	18	19	20	21	22	23	24	25						

कटौतियां											
भविष्य निधि योगदान	स्वैच्छिक भविष्य निधि योगदान	भविष्य निधि उदार योगदान	स्टाक बीमा प्रीमियम	आयकर	सहकारी प्रत्यय सोसाइटी	क्वार्टरों का भाटक	अन्य कटौतियां	योग	वस्तुतः संशोधन मजदूरी	तारीखें जिन पर अतिकाल संशोधन किया जाता है	टिप्पणियां
रु० पै०	रु० पै०	रु० पै०	रु० पै०	रु० पै०	रु० प०	रु० पै०	रु० पै०	रु० पै०	रु० पै०	रु० पै०	रु० पै०
26	27	28	29	30	31	32	33	34	35	36	37

[संख्या 10(3)/70-डब्ल्यू०ई० (एम०डब्ल्यू०)]

हंसराज छावड़ा, अवर सचिव ।

